# DOCUMENTS

of the

UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION
SAN FRANCISCO, 1945

## Volume XVII

## DOCUMENTS OF THE COORDINATION COMMITTEE
including
## DOCUMENTS OF THE ADVISORY COMMITTEE OF JURISTS

### Part 1

*Records of meetings of the Coordination Committee*
*Records of meetings of the Advisory Committee of Jurists*
*Arrangement of the Charter*
*Skeleton Charter: First and second drafts*

1954
UNITED NATIONS
NEW YORK

# PREFATORY NOTE

This edition of the documents of the Coordination Committee of the United Nations Conference on International Organization has been prepared by the United Nations Secretariat in pursuance of resolution 796 (VIII) of the United Nations General Assembly. It is intended to supplement the fifteen volumes of documents entitled *Documents of the United Nations Conference on International Organization* [Michigan: Edwards Brothers, Inc., 1945] published by the United Nations Information Organization in co-operation with the Library of Congress of the United States of America.

This edition comprises two volumes and follows the format of the edition mentioned above. Existing documents have been included with no textual editing, and have been reproduced photolithographically from the mimeographed, printed or photolithographed originals. Also included are translations into French of documents which existed only in English. Such translations have been prepared by the United Nations Secretariat, and contain an indication to that effect.

In order to make these two volumes self-contained, certain documents of the Coordination Committee which were previously published in volume 15 of the UNIO edition have been also reproduced in this publication.

NOTE: The French Text of this Volume is Contained in Volume 19 of this Series.

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# DOCUMENTS OF THE COORDINATION COMMITTEE
# INCLUDING
# DOCUMENTS OF THE ADVISORY COMMITTEE OF JURISTS

## Part 1

COORDINATION COMMITTEE RECORDS OF MEETINGS 1-41
May 9 - June 23, 1945

United Nations Conference
on International Organization

Doc. [illegible] (ENGLISH)
CO/2
May 1[illegible], 1945

# COORDINATION COMMITTEE

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## SUMMARY OF FIRST MEETING OF COORDINATION COMMITTEE

Opera House, Room 415, May 12, 1945, 8:15 p.m.

The following members were present:
Australia - Herbert Vere Evatt, K.C.
Brazil - Cyro de Freitas Valle
Canada - H. H. Wrong
Chile - Marcial Mora
China - Yuen-li Liang
Czechoslovakia - Josef Hanč
France - Jacques Fouques Duparc
Iran - Ali Akbar Siassi
Mexico - Alfonso García Robles
Netherlands - Adrian Pelt
Union of Soviet Socialist Republics - A. A. Sobolev
United Kingdom - H. M. G. Jebb
United States - Leo Pasvolsky
Yugoslavia - Stanoje Simic

Mr. Pasvolsky (United States) took the chair with the consent of the meeting. The Secretary General presented a document entitled "Proposed Conference Procedure on Drafting Final Charter" (Doc. 178, CO/1), for the consideration of the Committee.

Decisions

(1) To amend paragraph 5 of Doc. 178, CO/1, by adding to the end of the first sentence the following words: "and if necessary consultation shall be had with the technical committees concerned."

(2) To amend paragraph 5.c. by substituting for the words following "which", in the third line, the following words: "after having examined and approved them, shall, in turn, submit them to a Plenary Session of the Conference."

(3) To add a new paragraph 6:

"This procedure does not preclude the right of Commissions at any stage to review the activities or recommendations of their respective technical committees."

(4) To submit Doc. 178, CO/1, as amended, to a meeting of the Steering Committee, May 1[illegible], 1945, unless a member of the Executive Committee requested prior consideration of the document at a meeting of that Committee.

(5) To request the Secretariat to prepare recommendations on other phases of coordination of the work of the committees and commissions.

Discussion

Mr. Evatt (Australia) and other members of the Coordination Committee raised the question whether the prposed procedure for drafting the final Charter would, in effect, short-circuit the review by the commissions of their committees' work.

The Chairman said he understood that the proposed procedure would not interfere with the committee-commission-plenary session chain of substantive review. The Coordination Committee would review the recommendations of the committees for inconsistencies and would consult thereon with the committees concerned or with the Executive Committee. The drafts would then go to the commissions, and from there to the Conference. If necessary, they might be submitted to the Coordination Committee a second time. A dual purpose would be served by the Coordination Committee: it would draft the final form of the Charter and it would assure consistency of the provisions therein. In reply to a question, the Secretary General stated: (1) The Advisory Committee of Jurists, mentioned in paragraph 2 of the document before the Committee, would be comprised of jurists appointed by the Executive Committee from the delegations represented therein; and (2) there was no particular timing proposed for the submission of drafts by the committees to the Coordination Committee, and the matter would be left flexible. With regard to the question of possible inconsistency between paragraph 5.c. of the document and the Rules of Procedure of the Conference under which the committees were to report to the commissions, the Secretary General said that he had intended to ask for the views of the Coordination Committee upon the matter. The Committee then decided to amend paragraph 5.c. and to add a new paragraph 6 in order to clarify the subject.

With a view to making clearer the relationship between the Advisory Committee of Jurists, the Coordination Committee, and the technical committees concerned, an amendment to paragraph 3 was recommended.

The Secretary General pointed out the need for flexibility in carrying out the Coordination Committee's work. He said that he assumed that some of the procedures such as, for example, the submission of drafts to the Executive Committee for clearance mentioned in paragraph 5.a. might in practice generally be omitted as it would be largely a formality.

Mr. Evatt brought out the need for another type of coordination: the resolution of jurisdictional conflicts and the uniform application of procedures among the technical committees. There was general discussion of existing machinery for the resolution of such problems, and it was agreed that the Secretariat should be requested to study the matter and to prepare recommendations thereon.

*The United Nations Conference*
*on International Organization*

RESTRICTED
Doc. 413 (FR-ENG.)
CO/4
May 18,1945

# COORDINATION COMMITTEE

## ORDRE DU JOUR DE LA DEUXIEME SEANCE DU COMITE DE COORDINATION
Opera House, Quatrième Etage, 19 Mai 1945,11 h.30

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(1) Examen des modifications au texte de la Charte. Note du Secrétariat.

(2) Révision des textes transmis par les Comités techniques.

Une note du Secrétariat sera distribuée avant la séance.

Note: Les membres du Comité de Coordination sont priés de ne se faire accompagner que d'un nombre minimum de conseillers et d'assistants afin que les réunions soient aussi peu nombreuses et que la procédure y soit aussi simplifiée que possible.

## AGENDA FOR SECOND MEETING OF COORDINATION COMMITTEE
Opera House, Fourth Floor, May 19, 1945, 11.30 a.m.

(1) Consideration of the Arrangement of the Charter. Note by the Secretariat.

(2) Review of Texts Passed by the Technical Committees. Note by the Secretariat.
(To be circulated before the meeting)

Note: It is suggested that members of the Coordination Committee bring a minimum of advisers and assistants, so that meetings may be kept as small and informal as possible.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD [illegible] (ENGLISH)
Co/7
May 20, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SECOND MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, May 19, 1945, 11:40 a.m.

The following members were present:

Australia - Herbert Vere Evatt
Brazil - Pedro Leão Velloso
Canada - N. A. Robertson
Chile - Félix Nieto del Río
China - Yuen-li Liang
Czechoslovakia - Jan Papánek
France - Jacques Fouques-Duparc
Iran - Dr. Ali Akbar Siassi
Mexico - Manuel Tello
Netherlands - Adrian Pelt
Union of Soviet Socialist Republics - A. A. Sobolev
United Kingdom - H. M. G. Jebb
United States - Leo Pasvolsky
Yugoslavia - Teodor Gjurgjevic

The Chairman, Mr. Pasvolsky, called the meeting to order at 11:40 a.m.

The Secretary General, Mr. Alger Hiss, called attention to an ambiguity in the last paragraph of the Summary Report of the First Meeting of the Coordination Committee (Doc. 198). The reference to Dr. Evatt's mention of the need for the coordination of Conference procedures might be taken as implying that this should be a function of the Coordination Committee. He had understood Dr. Evatt as merely pointing out the existence of the problem and not as suggesting that the Committee should go beyond coordination of texts. The Committee's function with regard to the coordination of texts would apply to texts in proposal form as well as in more final form. Dr. Evatt concurred with this interpretation.

The Secretary of the Committee, Mr. Charles F. Darlington, presented two documents for the consideration of the Committee: "Note on the Arrangement of the Charter" (Doc. 411) and "Texts Passed by the Technical Committees (through Thursday evening, May 17, 1945)" (Doc. 413).

Commenting on the suggested arrangement of the Charter which was outlined by the Secretary, Dr. Evatt said that the chapters of the Charter might be better grouped under some six headings: The basis of the United Nations Organization, the General Assembly and related agencies, the Security Council and related agencies, the International Court of Justice, the means for amending the Charter, and miscellaneous provisions.

Mr. Tello suggested that Article 5 of Chapter XV in the draft arrangement might more appropriately be included in the Protocol, and stated his understanding that the Executive Committee had decided that there should be no annexes to the Charter.

Mr. Liang concurred with Dr. Evatt's suggestion concerning the prominence which should be given to amending the Charter. He suggested that the Chapter on General Provisions should be at the beginning rather than the end of the Charter, and expressed the view that the transitional arrangements should not be placed in a separate protocol but instead should appear in the Charter itself as its last part.

Mr. Pelt supported Mr. Tello's understanding that there would be no annexes to the Charter, citing a decision of Committee I/2 that there should be no distinction in the Charter between original and other members; the Charter would list original members and establish the means by which membership would be opened to others.

Mr. Nieto del Río expressed disagreement with the arrangement in Chapters V, VI, and VIII of the draft whereby the articles of each chapter relating to functions and powers of the Organization would come after those relating to procedure and voting. He stated that the order contained in the Dumbarton Oaks Proposals seemed more logical. Mr. Papánek expressed agreement.

Mr. Fouques-Duparc favored a system of consecutive numeration for all articles of the Charter instead of only the chapters, as suggested in the draft. He was supported in this point by the Representatives of the United Kingdom, Chile, Australia, Mexico, and China. Mr. Fouques-Duparc also stressed the need for careful and timely coordination of the English and French texts of the Charter. This suggestion met with general approval.

(1832) 5216

On the question of the procedure which the Coordination Committee might wish to follow the Secretary suggested that there appeared to be several possible methods: the appointment of a small drafting subcommittee, the appointment of several such subcommittees to consider separate portions of the Charter, or the designation of two or three members of the Committee to work informally with the Secretariat in preparing drafts for consideration by the full Committee.

Several members of the Coordination Committee discussed the functions of the Committee of Jurists in assisting the Coordination Committee in redrafting in final Charter language the texts submitted by the various technical committees.

In response to a question from Mr. Pelt, the Chairman suggested that the texts would be reviewed first by the Coordination Committee, then by the Committee of Jurists, and finally by the Coordination Committee again before referring to the Executive Committee. As an alternative method, the Coordination Committee might discuss the texts as they came in from the technical committees with such suggestions as the Secretariat might append for discussion. The texts, after review, would then pass on to the Committee of Jurists for their opinion. The Chairman called attention to the fact that the work of the Coordination Committee would consist of two separate steps: the examination and consideration of individual articles received, and a review for over-all consistency of terminology and substance. In both of these stages the Committee of Jurists could be of material assistance in a technical and advisory capacity.

Mr. Sobolev suggested that the Coordination Committee should delay any decision on procedure until it had fully examined the question and had gained some experience in dealing with individual problems as they arose.

Mr. Jebb agreed that a flexible system was preferable.

It was agreed, upon the suggestion of the Chairman, that the agenda for the next meeting would consist of:

1. Further discussion of the Suggested Arrangement of the Charter, preparatory to the consideration of this document by the Advisory Committee of Jurists;

2. Examination of the texts passed by the technical committees; and

3. Discussion of the procedure to be followed by the Committee.

The time of the next meeting was fixed for 5:30, May 21.

The meeting adjourned at 12:55 p.m.

([illegible]) 5216

*The United Nations Conference on International Organization*

RESTRICTED
WD 6 (ENG.)
CO/6 (ENGLISH)
May 2[illegible], 1945

# COORDINATION COMMITTEE

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## AGENDA FOR THIRD MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 21, 1945, 5:30 p.m.

(1) Further consideration of the Suggested Arrangement of the Charter, preparatory to the consideration of this document by the Advisory Committee of Jurists

(2) Examination of the texts passed by the technical committees

First group of texts: Drafting Papers 1 - 8
Second group of texts: Drafting Papers 9 - 12

(3) Discussion of the procedure to be followed by the Committee

1830

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 16 (ENGLISH)
CO/11
May 22, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRD MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, May 21, 1945, 5:40 p.m.

The Chairman, Mr. Pasvolsky (United States), called the meeting to order at 5:40 p.m.

### 1. Composition of the Advisory Committee of Jurists

The Secretary, Charles F. Darlington, presented to the Committee for its consideration the Secretariat's recommendation concerning the composition of the Advisory Committee of Jurists, the functions of which were set forth in document CO/1. The Secretariat recommended that the Committee consist of six members, one to represent each of the five official languages of the Conference; and, in addition, a member from the United States who would serve as Chairman of the Advisory Committee. The Secretary explained that after consultation with the members of the Coordination Committee representing Central and South American countries (Brazil, Chile, and Mexico) it had been agreed that the Spanish language would be represented by Mr. Tello of Mexico. The rest of the Committee would consist of one representative from the Delegations of China, France, the Soviet Union, and the United Kingdom.

In the discussion, the desirability of choosing as members of the Advisory Committee jurists with a knowledge of French or English was emphasized inasmuch as the texts before the Committee would initially be in those languages. In response to a question the Secretary stated that the Advisory Committee of Jurists would be at liberty to call upon any other jurists if necessary for assistance upon any particular point under discussion.

> Decision: The members of the Committee decided to recommend to the heads of their respective delegations who were represented on the Executive Committee that the Advisory Committee of Jurists be constituted as proposed by the Secretariat.

The Chairman expressed the hope that such action would be taken as soon as possible.

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### 2. Further Consideration of the "Suggested Arrangement of the Charter"

Discussion of the "Suggested Arrangement of the Charter" (document CO/3) which had been begun at the second meeting was continued. The Chairman summarized some of the suggestions which had been put forward in the earlier meeting.

Mr. Sobolev (U.S.S.R.) suggested that (1) Chapter XII (The Military Staff Committee) be eliminated as a separate chapter by combining it with Chapter XI (Determination of Threats to the Peace or Acts of Aggression) and (2) that Chapter X (Pacific Settlement of Disputes), Chapter XI (which would include Chapter XII), and Chapter XIII (Regional Arrangements) should be placed immediately after Chapter VI (The Security Council). With regard to the arrangement of Articles within Chapter V (The General Assembly) Chapter VI (The Security Council), and Chapter VIII (The Economic and Social Council) Mr. Sobolev expressed the opinion that the order followed in the Dumbarton Oaks Proposals was more appropriate: composition, functions and powers, voting, and procedure.

Several other delegates favored the suggestion that Chapters X-XIII be placed after Chapter VI as a logical arrangement. Other delegates, however, thought it more appropriate first to set forth the organs of the Organization and then to describe their activities as was done in the "Suggestions". It was also pointed out that under the rearrangement suggested by Mr. Sobolev the chapter on the Pacific Settlement of Disputes would precede the chapter relating to the International Court of Justice.

Decision: The Committee decided to accept a suggestion by the Delegate from Australia that the Secretariat be asked to prepare for the Committee's consideration three drafts of an arrangement of the Charter: One, the arrangement proposed in document CO/3; one based on the suggestions put forward by the Soviet Delegate; and one based on the suggestions made by Mr. Evatt (Australia) at the second meeting. It was agreed that as the document would be merely for study by the Committee there would be no objection to its preparation in English only.

### 3. Procedure to be followed by the Committee

Decision: The Committee adopted the Chairman's suggestion that the Committee's procedure be left flexible for the present.

4. Examination of Text Passed by the Technical Committees

The Committee had before it documents C[illegible] and C[illegible]. The Secretary explained in connection with these documents that the Secretariat had set forth first the text as passed by the technical committee concerned and on the same sheet the form of the text as it might be drafted in the final Charter. He also informed the Committee that at a subsequent meeting, if a sufficient number of finally approved texts were not ready to occupy the Committee, he proposed to submit for its consideration certain texts which had been agreed upon by the technical committees in principle but which had not yet been drafted in final form by these committees. The Coordination Committee would then be in position, after examining such texts, to decide whether it desired to proceed with the discussion of them or to await the final drafting of the texts by the technical committees.

The Committee then considered the text of Chapter III (Membership), paragraph 1, as adopted by Committee 1/2.

It was pointed out by the Secretary that the text as received from Committee 1/2 left the intentions of that Committee obscure on certain points involving matters of substance rather than of drafting. In particular, the question whether new members joining the Organization subsequent to the original members might sign the Charter and the question of the method by which such new members would assume all the obligations of the Charter were not clear.

Decision: It was decided to refer the text of Chapter III, paragraph 1, back to Committee 1/2 for explanation of the meaning which the Committee desired that the paragraph convey.

The suggestion was made that, when necessary, the Committee might obtain from the technical committees an indication of the basic ideas which they had desired to embody in a text and that on occasion the rapporteurs of such committees might be asked to sit with the Committee to answer questions. The Secretary stated that in cases where there were questions at issue the technical committees' ideas or views would be presented to the Committee in connection with the text.

. In connection with Chapter III, paragraph 1, the Delegate for Canada suggested that the text might serve as a basis for discussion of matters of style and grammar. In view of the lateness of the hour this question was left open.

5. Meetings of the Committee

Decision: The Committee agreed with the suggestion of the Chairman that it should meet every day this week at 5:30.

The Committee adjourned at 7:3[illegible]

1934

*The United Nations Conference on International Organization*

RESTRICTED
WD 14 (ENGLISH)
CO/9
May 22, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR FOURTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 22, 1945, 5:30 p.m.

(1) Further consideration of the Suggested Arrangement of the Charter

In response to the instructions of the Committee, the Secretariat is submitting (in addition to the original suggestions contained in document CO/3) two alternative suggestions regarding the arrangement of the Charter. Alternative A is based in part on views expressed by Mr. Sobolev; Alternative B is based in part on the ideas of Mr. Evatt. In both alternatives as much use as possible has been made of the numerous suggestions advanced by other members of the Committee.

(2) Further consideration of texts passed by the Technical Committees

See documents CO/5 and CO/8.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 23 (ENGLISH)
CO/14
May 23, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FOURTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 22, 1945, 5:30 p.m.

The following members were present:

Australia - K. H. Bailey
Brazil - Cyro de Freitas Valle
Canada - N. A. Robertson
Chile - Félix Nieto del Río
China - Yuen-li Liang
Czechoslovakia - Dr. Jan Papánek
France - Jacques Fouques-Duparc
Iran - Ali Akbar Siassi
Mexico - Manuel Tello
Netherlands - Adrian Pelt
Union of Soviet Socialist Republics - A.A.Sobolev
United Kingdom - H. M. G. Jebb
United States - Leo Pasvolsky
Yugoslavia - Stojan Gavrilovic

The Chairman, Mr. Pasvolsky (United States), called the meeting to order at 5:30 p.m.

In response to the question put by the Secretary, Mr. Darlington, it was ascertained that the various members of the Executive Committee agreed to the basis which the Coordination Committee had approved at its previous meeting for the selection of the Advisory Committee of Jurists. The Secretary then stated that the delegations concerned had named the following individuals to serve on this Committee: Green H. Hackworth, Chairman (United States), Sir William Malkin (United Kingdom), Jules Basdevant (France), Hsu Mo (China), S. A. Golunsky (Union of Soviet Socialist Republics), Manuel Tello (Mexico). The Chairman stated that the Committee would be convened at an early date.

The Chairman presented for consideration two alternative suggestions regarding the arrangement of the Charter:

Alternative A and Alternative B (CO/1[illegible]). He asked that they be considered also in the light of the original Dumbarton Oaks text and the text previously proposed by the Secretariat (CO/3). The Secretary explained briefly the intent of Alternative A and of Alternative B.

After considerable discussion as to the usefulness and clarity of (1) dividing the Charter into parts, chapters, and articles, or (2) of limiting the divisions to chapters, subheadings where necessary, and articles, it was apparent that most of the members favored the latter arrangement, which had been suggested by Mr. Jebb (United Kingdom) and the Chairman stated that he would ask the Secretary to prepare a draft on this basis. Concerning the order of the first three chapters of the Charter, it was agreed that they should stand as follows: Chapter I, Purposes and Principles; Chapter II, Membership; Chapter III, Organs.

The Chairman presented for consideration Drafting Paper 2, a text for Chapter IV, paragraph 1. The Committee could not finally dispose of the amended paragraph because of the necessity of waiting upon definitive action in Committee I/1 relative to the name of the Organization and in Committee II/3 relative to the functions of the Economic and Social Council. It was agreed, however, that the tense of the verb in the opening sentence should be changed to "shall" in the English version and that the sentence should read as follows: "The Organization shall have as its principal organs". The Chairman said that another draft of the paragraph would be prepared.

The Chairman next presented, for consideration Drafting Paper 4, a text for Chapter V, paragraph 4. After some discussion on the paragraph, the Chairman suggested that the Secretariat should consult further with the Committee on the final form of the paragraph.

The meeting adjourned at 7:15 p.m. Discussion will be continued at 5:30 p.m., May 23, 1945.

*The United Nations Conference*
*on International Organization*

RESTRICTED
[illegible] (ENGLISH, FRENCH)
CO 12
May 22, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR FIFTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 22, 1945, 5:30 p.m.

(1) Consideration of the arrangement of the Charter tentatively agreed to by the Coordination Committee

Draft prepared by the Secretariat

(2) Further consideration of texts passed by the Technical Committees

See documents CO/5 and CO/8

## ORDRE DU JOUR DE LA CINQUIEME SEANCE DU COMITE DE COORDINATION

Opéra, quatrième étage, 22 mai 1945, 17h30.

(1) Examen du plan de la Charte adopté, à titre préliminaire par le Comité de Coordination

Projet préparé par le Secrétariat

(2) Suite de la discussion des textes adoptés par le Comité Technique

Voir documents CO/5 et CO/8

2029

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 27 (FR., ENG.)
CO/12 (1)
May 24, 1945

# COORDINATION COMMITTEE

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## ORDRE DU JOUR REVISE DE LA CINQUIEME SEANCE DU COMITE DE COORDINATION

Opéra, quatrième étage, 24 mai 1945, 17h30.

(1) Prise de photographies

(2) Examen du plan de la Charte adopté, à titre préliminaire par le Comité de Coordination

Projet préparé par le Secrétariat

(3) Suite de la discussion des textes adoptés par les Comités Techniques

Voir documents CO/5 et CO/8, et un document nouveau préparé par le Secrétariat et contenant les projets de textes 13 à 19

## REVISED AGENDA FOR FIFTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 24, 1945, 5:30 p.m.

(1) Taking of photographs

(2) Consideration of the Arrangement of the Charter Tentatively Agreed to by the Coordination Committee

Draft prepared by the Secretariat

(3) Further consideration of texts passed by the Technical Committees

See documents CO/5 and CO/8; also a new document by the Secretariat containing Drafting Papers 13 through 19

2131

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD [illegible] (ENGLISH)
CO/16
May 25, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FIFTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 24, 1945, 5:30 p.m.

The following members were present:

Australia - H. V. Evatt
Brazil - Cyro de Freitas Valle
Canada - N. A. Robertson
Chile - Félix Nieto del Río
China - Yuen-li Liang
Czechoslovakia - Dr. Jan Papánek
France - Jacques Fouques-Duparc
Iran - Ali Akbar Siassi
Mexico - Manuel Tello
Netherlands - Adrian Pelt
Union of Soviet Socialist Republics - A. A. Sobolov
United Kingdom - H. M. G. Jebb
United States - Leo Pasvolsky
Yugoslavia - Stojan Gavrilovic

The Chairman, Mr. Pasvolsky (United States), called the meeting to order at 5:30 p.m.

### Arrangement of the Charter

The Chairman called the attention of the Committee to Doc. CO/13, "Suggested Arrangement of the Charter Tentatively Agreed to by the Coordination Committee." As there were no comments upon this document, it was considered accepted for the working purposes of the Committee. The Secretary, Mr. Darlington, then reported on the various drafting papers before the Committee (Documents CO/5, CO/8, and CO/15)

### Drafting Paper 12:

This paper, entitled Privileges and Immunities, was approved by the Committee as submitted.

2277

### Drafting Paper 13:

Drafting Paper 13, Chapter 4, Principal Organs, as passed by Committee I/2, was then taken up. A question was raised and discussed by several members concerning the meaning of the phrase, "on an equal basis'. It was felt that this phrase was ambiguous since it might mean either equality in number or equality in status. There was also a question about the use of the word "representation", which might have several connotations. An alternative phrase was suggested by the Delegate of Canada, "equal eligibility of men and women to serve in . . . . " It was agreed, after further discussion, to ask the Secretary to consult with the officers of Committee I/2 to see whether they would accept the alternative wording suggested by the Canadian Delegate. It was also agreed that the French translation would have to be revised.

### Drafting Paper 14:

The Secretary pointed out several changes in wording which the Secretariat had made and after a brief discussion the English text was approved. It was agreed that the French text required slight modifications.

### Drafting Paper 15:

There was considerable discussion of the words, "for the purpose of such disputes", which had been included in the text passed by Committee III/2 and which had been omitted in Secretariat redraft. Several members felt that these words clarified the obligations which a non-member state accepted when a dispute to which it was a party came before the Organization. On the other hand, it was pointed out that the words were ambiguous. Two other questions were raised--one concerning the use of the word "involved"; and the other, the possibility of overlapping between this article and an article in Chapter II regarding non-member states, now under discussion. Since all of Chapter VIII is still under consideration by Committee III/2, it was agreed that the Secretary should communicate these comments to the officers of Committee III/2.

### Drafting Paper 16:

Editing changes made by the Secretariat were discussed and in general were approved. In order to leave no doubt as to the meaning of Article 28, it was agreed to connect the two sentences by the word "and"; and to substitute for the word "permanently" the phrase "at all times". In Article 28, 2, line 2, "state member" was changed to "of its members".

In Article 19 and in other similar articles it was agreed to use the verb "may" for the words, "shall be empowered", and, in line 7, to strike out "may" and change "[illegible]" to "deems." The Secretary was instructed to try to find a new word to substitute for "bodies or agencies"; and to find a better phrase for "performance of its functions".

After some discussion it was decided to accept the English text of Article 20 and to adjust the French translation.

Drafting Paper 17:

A question was raised concerning the use of the words, "hereby established" and "Annexed Statute" and a reference was made to a Steering Committee decision on this point. Since this chapter is now being discussed again by Committee IV/1, it was agreed to refer this chapter back to the Secretariat, for later consideration.

Drafting Paper 18:

This is now being discussed by a committee and no action was taken.

Drafting Paper 19:

No action taken.

The meeting was adjourned at 7 p.m. to convene next on May 26, at 11 a.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 45 (ENGLISH)
CO/19
May 28, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR SIXTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 28, 1945, 5:30 p.m.

(1) Further consideration of texts passed by the Technical Committees.

To date the following documents containing texts passed by the Technical Committees have been distributed to the Coordination Committee:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CO/5, | Texts | passed | through | May | 17, | Drafting Papers | 1-8 |
| CO/8, | " | " | " | " | 19, | " " | 9-12 |
| CO/15, | " | " | " | " | 22, | " " | 13-19 |
| CO/17, | " | " | " | " | 24, | " " | 20-26 |
| CO/18, | " | " | " | " | 26, | " " | 27-39 |

At the sixth meeting, it is suggested that the Committee begin with Drafting Paper 21, as Drafting Papers 1-20 have either been disposed of or have been replaced by later papers.

Before the next, the seventh, meeting of the Committee, the Secretariat proposed to distribute a skeleton outline of the Charter, with all of the texts tentatively passed by the Coordination Committee inserted in it. It is hoped that such an outline will facilitate the Committee's study of the relationships between the various articles.

2530

*The United Nations Conference on International Organization*

RESTRICTED
WD 49 (ENGLISH)
CO/21
May 29, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SIXTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 28, 1945, 5:40 p.m.

The following members were present:

| | |
|---|---|
| Australia | -- K. H. Bailey |
| Brazil | -- Cyro de Freitas Valle |
| Canada | -- N. A. Robertson |
| China | -- Yuen-li Liang |
| Czechoslovakia | -- Jan Papánek |
| France | -- Jacques Fouques-Duparc |
| Iran | -- Ali Akbar Siassi |
| Mexico | -- Alfonso García Robles |
| Netherlands | -- Adrian Pelt |
| Union of Soviet Socialist Republics | -- A. A. Sobolev |
| United Kingdom | -- H. M. G. Jebb |
| United States | -- Leo Pasvolsky |
| Yugoslavia | -- Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 5:40 p.m.

The Secretary, Mr. Darlington, indicated that a skeleton charter following the arrangement of CO/13, as previously approved, would be made available in the near future. The Committee accepted his suggestion that they proceed with a first reading of the papers under discussion, reserving questions of arrangement for later discussion.

Drafting Paper 21

It was agreed to postpone consideration of the question raised in the note by the Secretariat regarding the relationship between paragraph 1 of Article 15 and paragraph (d) of Article 56 until Drafting Paper 26 has been examined.

2635

There was some discussion of the use of the phrase "organizations or agencies" in paragraph 1. Suggestions were made that a single word, or an alternative phrase, such as that used in Article 13 of Drafting Paper 3[illegible], might be substituted. The Secretary was requested to submit a further proposal taking account of these suggestions.

### Drafting Paper 22

There was considerable discussion of a proposal by the Delegation of Norway that the word "General" be substituted for "Principal" in the title of Article 22, and of a further suggestion by the Secretary that paragraph 3 be omitted. It was agreed to retain paragraph 3, and to ask the Technical Committee (III/1) to consider the possible addition of the words "and elsewhere in the Charter" to paragraph 3, and the possible omission of any adjective in the title.

A further suggestion by Mr. Sobolev to retain the original language "by the Charter" in paragraph 1, in place of the word "hereby", as proposed by the Secretariat, was referred to the Jurists Committee.

### Drafting Paper 23

It was agreed to postpone consideration of this paper until a further text is submitted by Committee III/2.

### Drafting Paper 24

It was agreed to postpone a decision on the location of the proposed paragraph until such time as the skeleton charter previously referred to is available, with the understanding that Technical Committee (III/4) and the Jurists Committee might later be consulted.

A suggestion by Mr. Robertson that the first sentence be rearranged to read "Should an armed attack be made against a member state, nothing in this Charter impairs. . ." was referred to the Jurists Committee.

### Drafting Paper 25

A suggestion by Mr. Robertson that paragraph 1 of Article 51 be amended to read, "Nothing in this Charter shall prevent regional arrangements or agencies from dealing. . ." was referred to the Jurists Committee.

A further suggestion by Mr. Sobolev that paragraph 2 of Article 52 might be held to imply that this article impaired the application of articles other than those specifically mentioned was also referred to the Jurists Committee.

Drafting Paper 26

There was considerable discussion of two questions involved in paragraph (a) of the proposed text: the use of the word "responsibilities" in place of "functions", as originally approved by the Technical Committee, and the nature of the recommendations by the General Assembly which the Economic and Social Council is authorized to carry out. The Secretary was requested to prepare clarifying language on both these questions.

It was agreed to resume discussion of this paper at the next meeting of the Committee, to be held Tuesday, May 29, at 5:30 p.m.

The meeting adjourned at 7:30 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 107 (ENGLISH)
CO 21 (1)
June 5, 1945

# COORDINATION COMMITTEE

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## CORRIGENDUM TO SUMMARY REPORT OF SIXTH MEETING
## OF COORDINATION COMMITTEE, MAY 28, 1945
## Doc. CO/21, (English), Drafting Paper 24

Page 2:

Insert at end of first paragraph the following:

"Mr. Golunsky argued that the new paragraph should be inserted at the end of Section B as paragraph 12, in Chapter VIII of the Dumbarton Oaks arrangement. Mr. Jebb and Mr. Fouques-Duparc thought that it should be inserted as a new section--Section D--at the end of Chapter VIII."

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD [illegible] ([illegible])
CO/[illegible]
May 29, 1945

# COORDINATION COMMITTEE

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## ORDRE DU JOUR DE LA SEPTIEME SEANCE DU COMITE DE COORDINATION

Opera House, 4ème étage, 29 mai 1945, 17 h 30

(1) Examen du premier texte provisoire de la Charte

(2) Suite de l'examen des textes adoptés par les Comités techniques

Le Comité pourrait poursuivre son travail en reprenant l'examen du projet de texte no. 26.

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## AGENDA FOR SEVENTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 29, 1945, 5:30 p.m.

(1) Examination of the first draft of the Skeleton Charter

(2) Further consideration of texts passed by the Technical Committees

It is suggested that the Committee may wish to continue by resuming its consideration of Drafting Paper 26.

26,8

*The United Nations Conference on International Organization*

RESTRICTED
WD 53 (ENGLISH)
CO/24
May 30, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SEVENTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 29, 1945, 5:45 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akber Siassi
Mexico -- Manuel Tello
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- A. A. Sobolev
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 5:45 p.m.

The Secretary, Mr. Darlington, gave an oral report of the first meeting of the Advisory Committee of Jurists, held on May 29, 1945, at 3 p.m. It was agreed to consider the recommendations made by the Jurists Committee at the time when the parts of the text to which they refer are under discussion. Mr. Sobolev suggested that, in the future, the conclusions of the Jurists Committee should be made available in written form before their discussion by the Coordination Committee.

Mr. Liang made the suggestion that, in order to facilitate use of the summary reports of Coordination Committee meetings for reference purposes, more detailed reports should be made. The Secretary agreed that this would be done.

In connection with the Secretary's report on the consideration of the Skeleton Charter (CO/20) by the Jurists Committee, Mr. Gavrilovic observed that it was unnecessary to include the words "of the Organization" in the titles of Chapters I, II, and III. The Committee agreed that these words should be omitted from these titles.

## Drafting Paper 26

### Paragraph (a)

The Committee resumed discussion of Drafting Paper 26 and the questions raised at the sixth meeting regarding the use of the words "within the sphere of its responsibility" in paragraph (a), as suggested by the Secretariat, in place of the words "within the scope of its functions", as in the text adopted by Committee II/3. Mr. Bailey re-stated the position he had previously taken with regard to this phrase. In his view it is desirable to avoid the use of the word "functions", since this is already used in the title and would involve a form of circular reasoning; he therefore suggested that the first part of the article under discussion be rewritten to read: "Within the sphere of its responsibility and activities defined by DO IX A, the Economic and Social Council is authorized:
(a) to carry out recommendations of the General Assembly;'

Mr. Robertson suggested as an alternative that some reference might be made to the provisions of Chapter IV relating to the powers of the General Assembly in the economic and social field.

It was noted that the revision made by the Secretariat involved changes in paragraphs (g) and (j) similar to that in paragraph (a), and the Chairman requested that members consider whether a change of substance would be involved in putting some such phrase at the beginning of the article, where it would apply to all paragraphs.

Mr. Robertson made the further suggestion that paragraph (a) be amended to read:

"(a) to promote and facilitate the carrying out by members of the recommendations made to them by the General Assembly".

It was agreed to request the Technical Committee (II/3) to submit a clear statement of their views on the points raised.

### Paragraph (b)

Mr. Liang expressed dissatisfaction with the text of paragraph (b) in two respects: (1) the inclusion of a comma after "human rights"; (2) the inclusion of the phrase "and observance of". The Committee agreed that the comma should be omitted.

Mr. Fouques-Duparc expressed agreement with Mr. Liang's second point; namely, that it is possible to require observance of a rule but not observance of "rights" or "freedoms". Mr. Sobolev suggested that the words "respect for human rights and fundamental freedoms" be retained, as they appear elsewhere in the Charter.

Mr. Gavrilovic stated that respect for human rights and fundamental freedoms is a matter of principle, whereas their observance means putting the principle into actual practice. In his view the inclusion of the words "and observance of" considerably strengthens the paragraph and should be retained. The Secretary of Committee II/3, Mr. Gideonse, indicated that this was the view of the Committee in approving the text, which had originally been proposed by the Australian Delegation as an amendment to Chapter IX, Sections A and C.

There was some discussion of alternative phraseology in both French and English, with the further suggestions of "enjoyment of" or "realization of" being mentioned. The Committee agreed to request the Secretary to find more suitable language.

Paragraph (c)

The Secretary suggested that the initial wording in the text approved by the Technical Committee, "to make and to initiate studies and reports . . ." might be retained rather than the Secretariat's suggested phraseology. The Chairman suggested that "to make or to initiate" might be preferable, and Mr. Jebb agreed.

Mr. Robertson suggested the language "to initiate studies on . . . and to make reports and recommendations on any such matters." Mr. Sobolev suggested: "to make studies and reports or to initiate them with respect to..." The Committee agreed, on motion by Mr. Bailey, seconded by Mr. Jebb, to resume consideration of this language after an opportunity for further study.

The Committee tentatively approved the addition of the words "created by or brought into relationship with the Organization".

Mr. Jebb raised the question whether the language used in Article 14, "for the purpose of promoting international cooperation", might not also be inserted in paragraph (c). It was agreed that this point should be noted and would be discussed at the time of the second reading.

Paragraph (d)

The Committee approved the Secretary's suggestion that the word "activities" be retained, in place of the word "policies", as previously suggested by the [illegible].

The Secretary noted that beginning with paragraph (d) reference was made to "specialized organizations or agencies", as defined in paragraph (c). Mr. Pelt commented that the text as approved by the Committee was broader, because it envisaged the possibility of contacts with non-governmental agencies on an informal basis. Mr. Sobolev stated that, according to his interpretation of paragraphs (c), (d), and (e), it would not be possible to bring non-governmental agencies, either present or future, into relationship with the Organization so far as the study, reporting, and coordinating functions envisaged were concerned. Mr. Robertson expressed agreement with Mr. Sobolev.

The Chairman suggested that it might be necessary to make some sort of distinction between paragraph (c), on the one hand, and paragraphs (d), (e), and (f), on the other. It was agreed to refer this question to the Technical Committee (II/3) for further study, and to suspend discussion of the remainder of Drafting Paper 26 until the Technical Committee makes a further report.

The meeting was adjourned at 7 p.m. to meet again on Wednesday, May 30, at 5:30 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 60 (ENGLISH)
CO/29
May 31, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF EIGHTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, May 30, 1945, 5:40 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile -- F. Nieto del Río
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Alfonso García Robles
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- A. A. Sobolev
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 5:40 p.m.

The Secretary, Mr. Darlington, suggested that the Committee begin discussion of Drafting Paper 27, pending further work by the Secretariat on Drafting Paper 26. He announced that a second draft of the skeleton charter would be prepared, with a covering note listing two categories of articles: (1) those provisionally approved by the Coordination Committee, and (2) those which have been futher modified by the Secretariat in accordance with the discussion in the Coordination Committee and with the technical committees. The first category of articles, he suggested, might be discussed by the Advisory Committee of Jurists in the meeting scheduled for Thursday, May 31, at 2:30 p.m. This procedure was agreed to by the Committee.

## Drafting Paper 2

### Article 3

The Secretary traced the history of the previous consideration of Chapter II and raised the question whether the word "original", now proposed by the Secretariat in Article 3, should replace the word "initial", as previously approved in Drafting Paper 9 and subsequently accepted by the Technical Committee (I/2). A majority of the Committee preferred to use the word "original".

### Article 4

Mr. Fouques-Duparc commented that whether a state was "ready" to accept and carry out the obligations contained in the Charter was a matter for its own decision; whether it was able, on the other hand, was a matter for the judgment of the Organization. He proposed that Article 4 be amended to read: "Membership of the Organization is open to all peace-loving states which accept the obligations contained in the Charter and which, in the judgment of the Organization, are able to carry them out".

Mr. Siassi pointed out that this amendment involved a change of substance. Mr. Jebb and Mr. Pasvolsky thought that the amendment was an improvement over the original text because it was made clear that acceptance was a unilateral act on the part of the state. Mr. Liang agreed with Mr. Siassi that a change of substance was involved and felt that the text should be resubmitted to the Technical Committee.

Mr. Bailey indicated that he was willing to accept the French amendment as a drafting improvement. Mr. Gavrilovic expressed the view that the amendment dealt with the qualifications a state must have to *join* the Organization, and would relate more properly to Chapter V, whereas the problem dealt with in Article 4 was the qualifications a state must have to *apply* for membership.

Mr. Papánek questioned the use of the word "state". Mr. Davis, the Executive Officer of Commission I, explained that this was preferred by the Technical Committee as being more clear in a juridical sense since it referred to organized governments while the word "nation" referred sometimes to peoples.

The Chairman stated that the discussion revealed that a change of substance was involved in the French amendment. Mr. Bailey stated that, in his view, the amendment was a great improvement in logic and intent and should, if possible, be retained. He made the further suggestion that the problem might be taken care of by an amendment in the original Dumbarton Oaks text of Article 3, so as to read:

> "Membership of the Organization should be open to those peace-loving states which have signed and ratified the Charter."

It was agreed to refer the article to the Secretary for further consideration.

## Article 5

Mr. Robertson stated that Article 5 was deficient in two respects: (1) It fails to lay down a procedure for the submission and approval of applications for membership; (2) it fails to make clear the manner in which a state accepts the obligations contained in the Charter. The Secretary stated that this was intended to be covered by Article 4, which envisaged that the Organization would work out its own procedure for admission. The Chairman suggested that the words "upon their acceptance of the obligations contained in the Charter" might be added to Article 5.

Mr. Jebb stated that Mr. Robertson's proposal was logical but had never been found necessary under the League. He felt that, as a practical matter, new members would, of course, accept the Charter obligations, whether by ratification or some other procedure.

The Chairman referred to the previous discussion of whether new members would sign the original agreement. Mr. de Freitas Valle stated that only original members should sign. Mr. Robertson pointed out that interim arrangements were being made to keep the Charter open for signature following the San Francisco Conference for those not possessing full powers to sign here. The Secretary was asked to explore this question further and report to the Committee at a later date.

## Article 6

Mr. Davis pointed out that this article had been adopted provisionally by the Technical Committee, subject to reconsideration if the right of expulsion were reintroduced into the Charter, and suggested that the Coordination Committee might wish to suspend decision, in view of the fact that the question of expulsion was currently being considered by the Executive and Steering Committees. The Chairman indicated that the same situation would be true of other papers submitted to the Coordination Committee.

2914

## Drafting Paper 28

### Article 7

The Secretary stated that this article had been substantially revised in order to make it a general establishment article which would, among other things, replace the previous article in Chapter VII establishing the World Court.

Mr. Reid suggested that the article be amended to read:

> "The principal organs of (name to be inserted) are: ...."

Mr. Golunsky referred to the discussions in Committee IV/1 regarding the establishment of a new World Court to replace the present Court, some of whose members are enemy or neutral states. He strongly favored the retention of the text proposed by the Secretariat, in order to make it perfectly clear that a new Court was to be established.

Mr. Sicssi supported the retention of the Secretariat text for the additional reason that the Canadian amendment would imply that no additional subsidiary agencies could be created under Article 8. Mr. Robertson stated that the amendment had been proposed because the language seemed more straightforward but would be withdrawn in view of Mr. Golunsky's objection.

On motion by Mr. Jebb, the Committee agreed to eliminate the word "hereby" from this article and wherever else found.

### Article 8

The Secretary referred to the fact that this article and Articles 21 and 30 were somewhat overlapping. The Chairman stated that it raised the question whether the Organization could create additional subsidiary agencies. Mr. Jebb stated that this would be done in any case, and that Article 8 added nothing.

Mr. Sicssi felt that, if the Organization and the Assembly were to be considered synonymous, either Article 8 or Article 21 should be deleted, and he preferred to delete Article 21; if, however, the two are different entities, both articles should be included. Mr. Nieto del Río and Mr. de Freitas Valle agreed with Mr. Jebb that Article 8 was meaningless and should be eliminated.

Mr. Papánek pointed out that subsidiary agencies could be created only through one of the existing organs of the Organization. The Chairman suggested the addition of the words "as provided for in the various Chapters", to make this clear. Mr. García Robles suggested, as alternative language:

> "The Organization may establish such subsidiary agencies as its principal organs may find necessary."

Mr. Jebb suggested that the article be amended to read:

> "The principal organs of the Organization may establish such subsidiary agencies as are found necessary",

and that Articles 21 and 30 be omitted. Mr. García Robles agreed with Mr. Jebb.

Mr. Pelt stated that the real question is whether the agencies to be created are agencies of the Organization, or of the organs which create them. In his view the agencies, once created by the organs, become agencies of the Organization.

The Secretary was asked to redraft Article 8, giving consideration to the parallel redrafting or possible omission of other articles in the Charter.

Mr. Pelt suggested, and the Committee agreed, that Articles 7 and 8 might be combined.

Article 9

The Secretary announced that he had received a communication from the Executive Officer of Commission I, requesting the retention of the word "act" in place of the word "serve", as previously approved by the Committee.

Mr. Fouques-Duparc objected to the French text, which he found contradictory, and stated that he preferred Article 7, paragraph 3, of the League Covenant. Mr. Davis, the Executive Officer, explained that the Technical Committee was less insistent on the exact language than on the exact meaning; they were particularly anxious to provide that there should be no restrictions against women serving as representatives of their states on the Council and in the Assembly, in addition to serving as members of the Secretariat.

Mr. Sobolev stated that it was not necessary to mention representation in the Charter, which is a matter wholly within the control of the member state itself. Mr. Liang agreed

2914

with Mr. Sobolev and stated also that the English text involved the same contradictions as the French, and might better be stated affirmatively.

Mr. de Freitas Valle suggested the wording: "Men and women are equally eligible to serve in any of the organs and agencies of the Organization." Messrs. Sobolev, Fouques-Duparc, and Papánek indicated agreement.

Mr. Pelt pointed out that the Technical Committee's original idea was to ensure that there would be no restrictions on representation by women, and that this point had already been lost in the text proposed by the Secretariat. Mr. Hasluck stated that part of the Committee's thought had been to include an undertaking that the Organization itself would place no obstacles against women representatives while not presuming to dictate the choice of representatives, either men or women.

The Committee agreed to refer this question to the Secretary.

Drafting Paper 29

The Secretary suggested that there were two ideas involved in the second sentence, both of which might be expressed by the language:

> "Each state may have up to five representatives in the General Assembly, but shall not have more than that number."

Mr. Robertson questioned whether the first sentence also included suspended members. Messrs. Liang, Pelt, and Sobolev stated that, if a member's rights and privileges were suspended, it could no longer be considered a member.

Mr. de Freitas Valle proposed to omit the word "all" from the first sentence. Mr. Sobolev objected, stating that the Security Council also consists of members of the Organization, and that some distinction should be made. Mr. Fouques-Duparc also favored the omission of "all". It was agreed to reconsider this question on the second reading.

It was agreed that the word "of" following the word "all" should be omitted.

Mr. Fouques-Duparc raised the further question whether the language "members of the Organization" or "representatives of members of the Organization" should be employed. Mr. Liang favored a return to the original Dumbarton Oaks text, on the grounds that both the Technical Committee and Secretariat texts implied that an obligation of representation was imposed on the member states. Mr. Liang felt also that the original Dumbarton Oaks language better indicated the representative character of the Assembly.

Mr. Nieto del Río favored the text proposed by the Secretariat. Mr. García Robles agreed and felt that uniform language should be employed for the Assembly and the Security Council; he also favored retention of the word "all".

It was agreed to retain the language of the Secretariat text, subject to reexamination on the second reading. It was felt that, although the additional language proposed orally by the Secretary clarified the English text of the second sentence, the original Secretariat text was clear in the French version and should be retained.

Drafting Paper 30

The Secretary proposed to withdraw the revised text and to substitute a new draft, copies of which were distributed:

Article 13

> "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly. The General Assembly shall approve the budget of the Organization and any financial and budgetary arrangements with specialized agencies brought into relationship with the Organization under the provisions of Article ___."

Mr. Hasluck raised the question whether there was to be one budget or two. Mr. de Freitas Valle pointed out that the World Court might require a separate budget. Messrs. Pelt and Hasluck stated that the practice of the League had been to have a single budget made up of different sections, and a single scale of apportionment, which could be applied whether or not a state was a member of both the League and the World Court.

Mr. Nieto del Río moved the reinsertion of the words "consider and" before the word "approve", as in the text approved by the Technical Committee. This was agreed to.

The meeting adjourned at 7:10 p.m. to meet again Thursday, May 31, at 5:30 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 226 (ENGLISH)
CO/29 (1)
June 10, 1945

# COORDINATION COMMITTEE

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## CORRIGENDUM TO SUMMARY REPORT OF
## EIGHTH MEETING OF COORDINATION COMMITTEE

### MAY 30, 1945

### WD 60 (English) CO/29

Page 2, paragraph 4:

Mr. Gavrilovic's remarks are amended as follows:

> "Mr. Gavrilovic expressed the view that Article 4 dealt with the qualifications a state must have in order to join the Organization and, whatever the Committee might think of the French Representative's amendment, Mr. Gavrilovic thought that it changed a matter of substance in the decision of the Technical Committee, and hence the Coordination Committee should not depart from the original text. He added that Article 5 was not clear on a point of considerable importance. This Article provides that a new member will be admitted in the Organization by the Assembly, but does not say what is the juridical act whereby the state itself assumes, vis-à-vis other members of the Organization, the obligations provided for in the Charter. He voiced the opinion that it might be advisable to get a clear picture of the views of the Committee in regard to this point, particularly as this question had already been raised at a previous meeting and required clarification."

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 56 (ENGLISH)
CO/2
May 31, 1945

# COORDINATION COMMITTEE

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AGENDA FOR NINTH * MEETING OF COORDINATION COMMITTEE
Opera House, Fourth Floor, May 31, 1945, 5:30 p.m.

(1) Further consideration of texts passed by the Technical Committees given in document CO/18. The Committee concluded its eighth meeting with Drafting Paper 30.

(2) Consideration of texts passed by the Technical Committees given in document CO/27. This is the sixth group of texts submitted to the Coordination Committee. The document contains two new texts (drafting papers 40 and 43), and three drafting papers which replace drafting papers in CO/18.

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* No agenda was issued for the eighth meeting.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD [illegible] (ENGLISH)
CO 79
June 3, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF NINTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 1, 1945, 5:30 p.m.

The following members were present:

| | |
|---|---|
| Australia | -- Paul Hasluck |
| Brazil | -- Cyro de Freitas Valle |
| Canada | -- N. A. Robertson |
| Chile | -- Felix Nieto del Río |
| China | -- Yuen-li Liang |
| Czechoslovakia | -- Jan Papánek |
| France | -- Jacques Fouques-Duparc |
| Iran | -- Major General Ali Riazi |
| Mexico | -- Alfonso García Robles |
| Netherlands | -- Adrian Pelt |
| Union of Soviet Socialist Republics | -- S. Golunsky |
| United Kingdom | -- H. M. G. Jebb |
| United States | -- Leo Pasvolsky |
| Yugoslavia | -- Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 5:40 p.m.

The Secretary, Mr. Darlington, referred to a recent observation by Mr. Pelt to the effect that, as the Committee's material was growing voluminous, a loose-leaf notebook system for arranging the articles of the Charter would be helpful. The Secretary then described such a system in which the texts of articles of the Charter as passed by the Technical Committees, the Coordination Committee, and the Advisory Committee of Jurists would be set out on separate sheets. It was planned to have copies of such books for the Committee members by Monday, in English and, if possible, also in French. This proposal met with the approval of the Committee.

Article 3, Skeleton Charter

The Secretary referred to a redraft of this Article suggested by Mr. Robertson which had been distributed to the members in typed copies at the meeting. The Committee at first appeared to favor the new draft, but after some discussion on other matters returned to it again. Mr. Gavrilovic felt that if his country signed and ratified the Charter it did not necessarily become a member of the Organization at that time because the Organization would not come into force until a specified number of other states had also ratified the Charter. The Chairman suggested that the difficulty might be eliminated by adding the words: "which sign the Charter and ratify it in accordance with Article 69." Mr. Pelt felt that this would not overcome the problem because Article 69 - the four-power amendment now before Committee I/2 - provides that the Charter would not come into force until it had been ratified by the required number of states. Mr. Fouques-Duparc felt the difficulty was not insurmountable because the term "members of the Organization" would only become operative as and when the Charter comes into force; before that time it would have no interest and no value. Mr. Liang thought the original wording of Article 3 necessary because usually in a treaty it is not enough for a state to ratify; ratifications have also to be exchanged. There was no provision here for exchanging ratifications. He believed that Mr. Robertson's alternative text was too laconic. Mr. Jebb said that if the idea was to write a Charter in simple English it would be better to accept the language proposed by Mr. Robertson, which is far clearer and means the same thing.

The Committee agreed to accept Mr. Robertson's text, subject to the approval of the Committee of Jurists for legal adequacy.

Article 4, Skeleton Charter

The Secretary referred to a new draft of Article 4, suggested by Mr. Fouques-Duparc, which seemed to have the favor of certain members of the Committee. Before sending this text back to the Technical Committee for its approval, the Secretary asked whether the Coordination Committee was satisfied with the new draft.

The Committee instructed the Secretary to refer both the new draft and the old to Committee I/2 for its consideration.

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### Article 5, Skeleton Charter

This article had been approved by the Coordination Committee but the Secretary pointed out that in the first line the words "new members may be admitted" were not entirely satisfactory, grammatically speaking, since states did not become members until after admission to the Organization. He suggested instead the words: "States may be admitted to membership in the Organization." Mr. O[illegible] thought there would be some difficulty in translating this thought into Russian.

The Committee agreed to refer the point to the Jurists Committee.

### Article 6, Skeleton Charter

The Secretary said this article was unchanged and had already been approved by the Coordination Committee.

### Article 17, (Drafting Paper 33)

The Chairman stated that the Secretary wished more time to study this text and that it would be taken up at the next meeting.

### Articles 18, 19 and 20 (Drafting Paper 34)

The Secretary said there were only minor changes in the text of Article 18. He suggested changing "convene" to "convoke", to which the Committee agreed. He then referred to a suggestion made to him that the words "General Assembly or of the" be inserted before the words "Security Council" in the fourth line of the text, the idea being that the General Assembly ought to be able to request the Secretary General to call a special session. Mr. Liang asked how the General Assembly, which was not in permanent session, could call a special session. Mr. Fouques-Duparc said that since the Charter provides that all members of the Organization are members of the Assembly it makes no difference which word is used.

Mr. Hasluck asked whether there was any reference to the term of office of the President. Mr. Papánek thought there should be a President of the Assembly from one session to another. Mr. Brown, Secretary of Committee II/1, said that this question had been discussed in his Committee and the point was made that the President would not have continuing functions between sessions; a motion to elect a President to serve until his successor was chosen was defeated. Mr. Liang recalled that in the League of Nations each Assembly was a unit of its own, with a First Assembly, Second Assembly, and so on. The question, he thought, was whether the Assembly was to be conceived as a permanent institution. This was the reason why he had raised the question of the ability of the General Assembly, when it is not in existence, to call a special Assembly. If the General Assembly is regarded as a more or less permanent institution the Presidency of the Assembly would also be a continuing office. Mr. Pelt thought the point should be made clear because in the League that question used to give rise to certain difficulties when the President was required to take action after the closing of the session. The Chairman thought the President of the Assembly would cease to be President when the session adjourned. Mr. Fouques-Duparc pointed out that the language of the Covenant of the League was very similar to that of the Article insofar as it provided that the Assembly would meet in annual sessions, etc. Yet the practical interpretation of the League resulted in successive, separate Assemblies. He thought this text could be interpreted in the same manner. Mr. Webster, (U. K., replacing Mr. Jebb), thought if any emergency arose, it would always be possible for the Assembly to adjourn or just recess. He hoped, therefore, that the text would not be changed. Mr. Nieto del Río asked how, if the word "Organization" at the end of Article 18 was replaced by "Assembly" and if there was no President of the Assembly, a special session of the Assembly could be convoked? The Secretary was instructed to maintain the original wording of this phrase.

Article 18 was accordingly approved.

After some further discussion Article 19 was approved.

Article 20 was passed over.

Article 23 (Drafting Paper 35)

The Secretary explained that this text involved a very difficult drafting problem. The Chairman of Committee III/1 had transmitted a suggestion of the Australian Delegate for amplifying or interpreting the text, to make the words "in accordance with the provisions of the Charter" qualify the decisions of the Security Council as well as the carrying out of those decisions by the members of the Organization. Mr. Pennoyer, Secretary of Committee III/1, thought that the redraft of the Committee's text, contained in Paper 35, did not accomplish the sought-for objective. Mr. Freitas Valle suggested placing the words "in accordance with the provisions of the Charter" at the end of the text. This suggestion was approved.

The Committee then discussed the advisability of replacing the words "provisions of the Charter" by "specific obligations of the Charter". Mr. Webster and Mr. Robertson felt that the two terms were interchangeable but Mr. Golunsky did not favor the change.

The Chairman suggested that the language be left for further study, and, if any of the members on reflection wished, the subject might be reopened.

### Article 24 (Drafting Paper 35)

The Secretary stated that there was no change in the language of this text except in the last clause of paragraph 5 of the text which was reworded to read: "shall be responsible for formulating and for submitting to the members of the Organization plans for the establishment of a system for the regulation of armaments." Mr. Robertson suggested the words: "The Security Council, with the assistance of a military staff committee, shall formulate and submit to the members of the Organization plans for the regulation of armaments." Mr. Webster pointed to the omission of the words "shall be responsible" in Mr. Robertson's suggestion. Mr. Pelt asked whether "shall formulate and submit" is not more imperative than "shall be responsible for formulating". The Chairman thought there was no question about such a difference existing. After further discussion the Chairman suggested placing this Article in the same category as Article 23. Mr. Hasluck suggested that the words "for armaments" should follow the word "diversion" in the third line. This suggestion was accepted. Mr. Fouques-Duparc felt that "with the assistance of military staff committee" could only apply to the formulating not to the submitting of plans. This suggestion was also accepted and referred to the Secretariat.

### Articles 58-62 (Drafting Paper 36)

The Secretary referred to Drafting Paper 17 which was included here with three additional paragraphs. The principal change suggested by the Secretary in this paper was the omission of the first paragraph establishing the International Court of Justice. This was done to place it in conformity with Article 7 dealt with at a previous

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meeting of the Committee. If an establishment article were included in the chapter dealing with the Court, it would place the Court on a different basis from the General Assembly, the Security Council and the other organs of the Organization which are established in Chapter III. Mr. Golunsky felt that Article 59 might better be omitted as it did not constitute a legal obligation but was simply historical data inserted in a legal document. Mr. Liang agreed with this view and thought that the article was simply a statement of fact and should not be accorded position as an article of the Charter. Mr. Webster expressed the belief that the article was necessary in order to point out the connection between the present Court and the permanent Court but Mr. Liang wondered whether this thought might not be incorporated in some other article which would preserve the idea without giving it an independent position. Mr. Webster replied that the article was placed there because it might enable the new Court more easily to utilize past interpretations of the old Court. For this reason he thought it should be retained. Mr. Golunsky argued that Mr. Webster's purpose would be achieved through a report which could be placed in some Conference document for future reference. Mr. Webster replied that he thought there was a difference between the force of this Article if placed in this chapter or if merely placed in the record. Mr. Pelt agreed and thought that if it were removed it would result in a change in substance. Mr. Papánek thought there was another idea involved, namely, that there might be members of the old Court who would want to continue as members. The purpose was to have it stated definitely that the old Court had finished its functions. Mr. Fouques-Duparc thought that the body that would have to interpret the Statute of the Court would be the new Court and, therefore, if this Article were omitted and mention were made of it in the Annex of the Statute of the Court, and also mention of it in the minutes of the Committee's interpretation, it would be quite clear what the intention of the Conference was. The Chairman suggested that the whole chapter be referred to the Committee of Jurists, a suggestion to which the Committee agreed. The Secretary added that the words "is established as the principal organ of the United Nations" should be inserted in Article 58 after the word "constituted".

The meeting adjourned at 7:10 p.m., until Monday, June 4, at 5:30 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 168 (ENGLISH)
CO/79 (1)
June 5, 1945

# COORDINATION COMMITTEE

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## CORRIGENDUM TO SUMMARY REPORT OF NINTH MEETING OF COORDINATION COMMITTEE, JUNE 1, 1945

Doc. CO/79

Page 6:

The last sentence of the first paragraph should read as follows:

> "The Secretary added that the words 'as the principal judicial organ of the (name to be inserted)' should be inserted in Article 58 of Drafting Paper 36 after the word 'constituted'."

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 200 (ENGLISH)
CO/95
June 6, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 4, 1945, 5:50 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile -- Félix Nieto del Río
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Alfonso García Robles
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. A. Golunsky
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 5:50 p.m.

The Secretary, Mr. Darlington, explained the organization of the loose-leaf notebook containing articles of the Charter already distributed and announced that the French texts might be made available in the same form before the next meeting. He also referred to the second draft of the Skeleton Charter (CO/78), designed to serve as a link between the drafting papers previously under consideration and the new book. The Committee accepted his suggestion to take as its agenda the five groups of articles listed on the covering page of the Skeleton Charter, Second Draft, and to proceed, commencing with Group 3, to attempt to advance such articles upward in the scale of consideration. A correction on page 1, moving Articles 32, 33, 54, and 57 from Group 2 to Group 1 was noted.

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The Secretary referred to the previous discussion of the location of Article 54 and stated that, in accordance with the unanimous recommendation of the Advisory Committee of Jurists, this had been placed at the end of Chapter VII in the Second Draft of the Skeleton Charter. Upon reconsideration, however, the Secretariat had submitted a revised draft of pages 19 to 21 (CO/78 (1)), which reflected the original decision of the Technical Committee (III/4). The Chairman ruled that the revised draft should be substituted for the original pages, and that the question should be discussed at the time that Article 54 came up for reconsideration. Mr. Jebb observed that, at the time when this article was previously discussed*, both he and Mr. Fouques-Duparc had favored following the original decision of the Technical Committee as to the position of this article. The Chairman directed that the record be amended accordingly.

Articles 3 and 4

It was agreed to defer consideration of both these articles until a report is received from the Advisory Committee of Jurists and the Technical Committee on the alternative drafts previously referred.

Article 6

The Secretary noted that Article 6 was previously provisionally approved. It was agreed, however, to defer consideration until the question of expulsion receives further clarification.

Article 8

The Secretary stated that two questions were involved:

(1) the adoption or rejection of the alternative wording proposed by the Secretariat;

(2) possible overlapping with Articles 22 and 32.

Mr. Liang referred to the previous suggestion that Article 8 be combined with Article 7. Mr. Golunsky felt that the question of combination would depend on whether the original or alternative form of wording was adopted.

Mr. Bailey favored the retention of the original language with the addition of the words "in accordance with the Charter" after the word "may", in order to make a general reference to similar provisions in other parts of the Charter. Mr. Fouques-Duparc agreed that some such reference was necessary and suggested as an alternative that those organs empowered to create subsidiary agencies, such as the Assembly, the Security Council, and the Economic and Social Council, be specifically named. Mr. Pelt suggested as a further alternative that specific reference be made to Articles 22 and 32 and any other article granting such powers to one of the organs.

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* Sixth Meeting, Drafting Paper 24.

The Committee adopted Mr. Bailey's suggestion and approved the retention of the original form of Article 8, with the addition of the words "in accordance with the Charter" after the word "may".

The Committee accepted a further suggestion by Mr. Golunsky that Article 8 as amended be made the second paragraph of Article 7.

Mr. Robertson pointed out that the Jurists' Committee had previously approved the use of the words "set up" in Article 32, instead of "establish" as in Article 8. The Secretary was requested to refer this question to the Jurists' Committee to bring the language of the various articles into conformity.

**Article 9**

The Secretary referred to the alternative language proposed, which has received the informal approval of the Executive Officer of Commission I and various prominent women. Mr. Fouques-Duparc suggested that the order of the phrase "of men and women" be reversed, so that the article would read "of women and men".

Mr. Jebb referred to the previous discussion indicating that the Organization was without authority to interfere with the prerogative of a member to choose its own representatives, men or women. Mr. Liang expressed a preference for the original wording. Mr. Pelt agreed with Mr. Liang but pointed out that this language was not acceptable precisely because it omitted reference to representation.

Mr. Golunsky suggested that, if the original language were retained, the words "to serve in any of its organs and agencies" be replaced by "to participate in any capacity in the activities of the Organisation". Mr. Freitas Valle suggested as an alternative that all of the original language be retained with the addition of the words "and act as representatives".

The Committee agreed to adopt Mr. Golunsky's suggestion and to refer Article 9 as amended to the Technical Committee for further consideration.

**Article 26**

There was considerable discussion of the best method of arranging the phrases in this article so as to make its meaning

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perfectly clear. The Chairman suggested that the phrase "to be submitted to the members of the Organization" follow the word "plans".

Mr. Jebb suggested that the phrase "with the assistance of the Military Staff Committee" follow the word "responsible". Mr. Golunsky emphasized that it was important to make it clear that the assistance of the Military Staff Committee related to the formulation of plans and not to their submission.

The Committee accepted the Chairman's and Mr. Jebb's suggestions and approved Article 26 as rearranged.

### Article 62

It was agreed to defer consideration of Article 62 until the rest of Chapter IX is available. The Chairman stated that, so far as possible, the Committee should proceed in the future with the consideration of whole chapters rather than separate articles.

### Chapter X, Articles 64 through 68

The Committee accepted Mr. Jebb's suggestion that this chapter be referred to the Jurists' Committee. Mr. Padelford, the Executive Officer of Commission IV, explained that one or more additional articles would be recommended by the Technical Committee.

Mr. Fouques-Duparc and Mr. Bailey referred to the previous discussion of these articles by the Coordination Committee. It was agreed that the gist of previous observations should be transmitted to the Jurists' Committee along with the texts of the articles.

Mr. Liang raised the question whether the Statute of the Court would be considered an annex. The Secretary reported the decision of the Jurists' Committee that it should be an integral part of the Charter, not entitled "Annex", but "Statute of the Permanent Court of International Justice". Mr. Pelt raised the further question whether, in this event, the amendments clause of the Charter would also apply to the Court Statute. Mr. Golunsky stated that there would be a special provision for amendments in the Court Statute itself; Mr. Bailey stated that this was still under consideration by the Technical Committee.

It was agreed to defer consideration of the question of amending the Court Statute until the texts of both amendments articles are available, and meanwhile to refer Chapter X to the Jurists' Committee.

### Articles 12, 14, and 15

Consideration of these articles was postponed.

### Article 18

Mr. Robertson stated that there was a substantial difference between the words "waive the penalty" in the third sentence of the Committee text and the words "restore the privilege", substituted by the Secretariat, in that the latter implied that the penalty would automatically be imposed. Mr. Jebb and Mr. Bailey agreed that the question of whether, in fact, the privilege to vote is withheld lies within the Assembly's discretion. To meet this difficulty, Messrs. Jebb and Robertson suggested that the words "may restore the privilege of voting" be replaced by "may, nevertheless, permit such a member to vote".

Mr. Jebb also suggested that the words "of the member in question" in the third sentence be replaced by "of such a member". Mr. Fouques-Duparc made the further suggestion that the words "so long as" in the second sentence be replaced by the word "if".

The Committee accepted the three amendments proposed by Messrs. Jebb and Robertson, Mr. Robertson, and Mr. Fouques-Duparc, respectively. The Committee also accepted an additional suggestion by Mr. Robertson that the second and third sentences be made a separate article. With these changes, Article 18 was provisionally approved subject to a further amendment still under consideration by the Technical Committee.

Mr. Jebb raised the further question whether a member in arrears could be elected to the Security Council. The Chairman asked whether, if already elected to the Security Council, a member in arrears would lose his vote. Mr. Brown, the Secretary of Committee II/1, reported that assurances had been given the Technical Committee that members of the Security Council would never be in arrears. The Committee agreed to postpone consideration of this matter until the second reading.

### Article 19

Mr. Brown, the Secretary of Committee II/1, indicated that consideration of further questions which might require a two-thirds majority, such as expulsion or requesting an advisory opinion from the Court, had been deferred pending action in other technical committees.

Mr. Bailey questioned the meaning of the phrase "absolute majority of those present and voting" in the last sentence. The Secretary explained that the word "absolute" had been added because of differences in meaning between the expression "simple majority" in English and in French. Various members pointed out that this language was contradictory in that an absolute majority necessarily differed from a qualified majority, such as a majority of those present and voting.

The Committee agreed to omit the word "absolute".

The meeting adjourned at 7:25 p.m. to meet again Tuesday, June 5, at 5:30 p.m. to begin consideration of Chapter IV.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 208 (ENGLISH)
CO/97
June 6, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF ELEVENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 5, 1945, 5:45 p.m.

The following members were present:

Australia -- K. H. Bailey
Brasil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Alfonso García Robles
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. Golunsky
United Kingdom -- C. K. Webster
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 5:45 p.m.

The Secretary, Mr. Darlington, announced that four additional sheets to be inserted in the loose-leaf notebook had been distributed, but would be discussed at a later meeting.

It was agreed to commence the discussion with Chapter IV, Article 10.

### CHAPTER IV

### Article 10

Article 10 was approved without change. The possible substitution of "may" for "shall" was rejected.

Article 11

Since several members had not had an opportunity to study the proposed redraft, consideration of Article 11 was postponed.

Article 12

The Secretary stated that this article was presently under consideration by the Executive Committee. Mr. Robertson suggested that the question being considered by the Executive Committee might be resolved by using the same formula for the election of the Secretary-General as is used for the election of Judges of the Court. According to this suggestion, the second sentence would read: "The General Assembly shall participate in the election of the Secretary-General of the Organization in accordance with the provisions of Article___".

Mr. Liang objected to the use of the word "participate" on the grounds that the functions of the Assembly in electing the Secretary-General differed from its functions in connection with the election of Judges, and preferred "participate and elect". Mr. Webster preferred "elect" alone. Mr. Robertson agreed that there were two different cases to be considered: (1) cases in which the Assembly is the sole electing body, such as the Security Council or the Economic and Social Council; (2) cases in which the Assembly acts jointly with other bodies, as in the election of Judges.

> It was agreed to defer further consideration of Article 12 until some disposition has been made by the Executive Committee.

Article 13

The Secretary explained that although Article 13 had been approved by the Committee, some question had since been raised as to whether the language in the first sentence would fit the legislative procedures in all countries. (It was noted that the word "of" in line 2 of the alternative draft is a mistake and should read "by".)

The question was raised of using the word "borne", in order to make the obligations assumed by members more clear.

Mr. Webster pointed out that the word "budget" was used in the singular, and Mr. de Freitas Valle reiterated his view that this should be plural. Mr. Pelt recalled his previous observation that, if this were plural, different methods of apportionment might be employed.

The Committee agreed to await a report from the Secretary regarding the points raised by the Coordination Committee on Article 13. Mr. Bailey stated that, if this were in order, he would like to make a suggestion regarding the arrangement of articles in Chapter IV. It was agreed that this would be considered at a later stage, following consideration of the whole Chapter.

## Article 14

Consideration of Article 14 was postponed, pending a report from Committee II/2.

## Article 15

The Secretary called attention to the change in the last line from "violation of the Purposes and Principles set forth in this Charter" to "violation of the principles of the Organization", and explained that this had been done to avoid the implication that a purpose could be violated. Mr. Webster stated that the original intent had been to refer specifically to the purposes and principles in Chapters I and II of the Charter, and that this should be recognized by capitalizing "principles"; he emphasized that this article had already received considerable discussion and should so far as possible remain unchanged. Mr. Bailey expressed the view that the phrase used should be broad and comprehensive enough to cover all undertakings in the Charter.

Mr. Fouques-Duparc suggested that a better solution would be to replace the word "violation". Mr. Liang agreed with Mr. Webster that no changes of substance should be made and preferred to retain the original Committee text, though admittedly imperfect. Mr. García Robles suggested that the drafting problem might be solved by substituting "violation of the provisions of the Charter concerning its Purposes and Principles".

Mr. Robertson suggested substituting the word "states" for "nations", in the interests of uniform terminology throughout the Charter. This was opposed by Mr. Webster, who felt that the intent of the authors of this particular article was better expressed by the word "nations". Mr. de Freitas Valle pointed out that, in a technical sense, only states and not nations, had relations with one another. Mr. Liang stated that, from the point of view of the general welfare, it was relations between nations which were important.

The Committee agreed to refer Article 15 to the Jurists Committee for consideration of Mr. García Robles' suggestion on the violation clause, and Mr. Robertson's proposal to substitute "states" for "nations".

### Article 16

The Secretary called attention to the drafting changes in the last part of both paragraphs made by the Jurists Committee. Mr. Robertson raised a question regarding the text of Article 60 which, he felt, should be brought into conformity. It was agreed to consider this question at the time that Article 60 is discussed.

Article 16 as revised by the Jurists Committee was approved.

### Article 17

Consideration of Article 17 was postponed.

### Article 18

On Mr. Robertson's suggestion, it was agreed to delete the words "in question".

Article 18 was approved as amended, subject to the possible suggestion of an additional paragraph by the Technical Committee.

### Article 19

Mr. Liang reiterated his previous question on the use of dashes rather than commas. The Secretary explained that this had been done in an effort to improve the punctuation of the Committee draft. Mr. de Freitas Valle suggested that commas might, in any case, be used in the second sentence.

Article 19 was approved, subject to possible changes in punctuation.

### Article 20

Article 20 was approved without further change.

### Article 21

Article 21 was approved without further change.

## Article 22

The Secretary pointed out that Article 22 had been referred to the Jurists Committee, in connection with Article 8 and 32, to consider two questions: (1) uniform terminology and (2) possible overlapping.

## CHAPTER V

## Article 23

Mr. de Freitas Valle recalled the previous discussion of the phrase "due regard being specially paid in the first instance", and stated that the Technical Committee's view was not clearly understood. It was not that "in the first instance" applied to the whole article, but that contribution would be considered followed by equitable geographic distribution, with the second instance not being specifically mentioned but understood to apply to possible new circumstances which might arise. Mr. Webster agreed that this was the intent and felt that this would be preserved if the text were not changed.

Mr. Robertson suggested that, in order to make the meaning clear, the latter part of the sentence be amended to read: "and due regard also being paid to equitable geographic distribution"; this was supported by Mr. de Freitas Valle. Mr. Bailey pointed out that, as a matter of grammatical construction the phrase "in the first instance" would, if the original text were retained, apply to the second phrase introduced by "to" and preceded by "also", regardless of the intent.

Mr. Gavrilovic stated that the view of the Technical Committee was that the word "specially" and the phrase "in the first instance" apply to both of the criteria which follow. Mr. Webster said that, as he understood the Committee's position, these words were intended to apply to the first criterion only. Mr. Liang suggested, as a mechanical solution, that "(a)" be inserted after "paid", and "(b)" before "also".

Mr. Golunsky and Mr. Webster agreed that the word "also" means "not in the first instance". Mr. Pasvolsky made the further suggestion that the phrase "in the first instance" be set off by commas. Mr. Bailey expressed disagreement with both these views, and requested that a decision on the matter be deferred.

The Committee agreed to postpone consideration of Article 23 to a later meeting.

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Mr. Pelt suggested the addition of the words "of the Council" to paragraph 3. Attention was drawn to the language of the second sentence of Article 10, and it was agreed that these might be brought into conformity.

Mr. Gavrilovic proposed that the order of the first two sentences of paragraph 2 be reversed, and be amended to read:

> "The non-permanent members shall be elected for a term of two years. However, in the first election of the non-permanent members three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate reelection."

*Mr. Gavrilovic's proposal was agreed to.*

Mr. Fouques-Duparc commented that, in accordance with this decision, the practice should be followed throughout the Charter of stating principles first, followed by exceptions, and also by exceptions in the nature of transitional arrangements.

### Article 24

The Committee noted the introduction of a comma in paragraph 4 after "annual", and agreed that this should instead follow "and".

Mr. Bailey raised the question of capitalizing "purposes and principles" in paragraph 2, and recalled the earlier discussion in connection with Article 15. Mr. Golunsky favored as a general principle making specific references to other parts of the Charter only where this is necessary to make the meaning perfectly clear. Mr. Liang favored retention of the text as revised by the Jurists Committee, and felt that specific references should be made only to operative parts of the Charter. Mr. Pelt stated that a similar question was involved in connection with the use of the words "and elsewhere in this Charter" in paragraph 3.

*The Committee agreed to consider both Mr. Bailey's and Mr. Pelt's questions at a later meeting in connection with the Charter as a whole.*

Mr. Fouques-Duparc suggested the deletion of the words "In discharging this responsibility" in paragraph 2, and the words "For the discharge of this responsibility" in paragraph 3 as unnecessarily cumbersome. Mr. de Freitas Valle and Mr. Pasvolsky favored a return to the original

Committee text. Mr. Liang favored the text as tentatively approved by the Committee at its sixth meeting. Mr. Webster emphasized that some such wording should be retained in order to make clear the intent of the Technical Committee to limit the powers of the Security Council in this connection.

Mr. de Freitas Valle questioned the use of the phrase "and elsewhere in this Charter" in paragraph 3. The Chairman stated that this had been included on his suggestion, and that he had in mind the electoral powers of the Council and other powers mentioned incidentally in the Chapter on the General Assembly and in other parts of the Charter. Mr. Webster added that the suspension power should also be mentioned in this connection.

Mr. Liang argued that the electoral powers of the Council do not have a direct relation to the maintenance of peace and security, and should not be introduced into this article. Mr. Fouques-Duparc agreed, and suggested as alternative language: "the specific powers set out in the Charter and especially in Chapters VI, VII, VIII".

The Chairman stated that he was prepared to argue the opposite side, and emphasized his view that the electoral power was directly related, including the election of judges. Mr. Golunsky indicated agreement with the Chairman. Mr. Webster pointed out that Mr. Liang's argument certainly did not apply to the suspension power.

The Committee agreed to give further consideration to Article 24 at a later meeting.

The meeting adjourned at 7:15 p.m.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 238 (ENGLISH)
~~CO/97 (1)~~
June 10, 1945

# COORDINATION COMMITTEE

## CORRIGENDUM TO SUMMARY REPORT OF ELEVENTH MEETING OF COORDINATION COMMITTEE, JUNE 5, 1945

WD 208 (English), CO/97

Page 5, paragraph 4:

Mr. Gavrilovic's remarks are amended as follows:

"Mr. Gavrilovic stated that he thought the view of the technical Committee was that the word 'specially' applies to both the criteria which follow, while the phrase 'in the first instance' applies only to the first criterion."

*The United Nations Conference
on International Organization*

RESTRICTED
WD 257 (ENGLISH)
CO/97 (2)
June 10, 1945

# COORDINATION COMMITTEE

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## CORRIGENDUM TO SUMMARY REPORT OF ELEVENTH MEETING OF COORDINATION COMMITTEE, JUNE 5, 1945
## WD 208 (ENGLISH), CO/97

The remarks of Mr. de Freitas Valle are amended as follows:

Article 23, page 5, paragraph 2

"Mr. de Freitas Valle recalled the previous discussion of the phrase "due regard being specially paid in the first instance", and said that in his opinion the meaning of these words seemed perfectly clear. In a meeting of Committee III/1 Sir Alexander Cadogan had given a very lucid explanation of this point in which he was supported by a large majority of the Committee but, doubts having been expressed by the Delegates of Uruguay and Norway, it was decided to call this matter to the attention of the Coordination Committee."

Article 24, page 7, paragraph 2

"Mr. de Freitas Valle pointed out that the new draft of paragraph 3 would alter in substance the Committee's decision which rather tended to limit the powers of the Council insofar as Article 24 was concerned."

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 266 (ENGLISH)
CO/108
June 10, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWELFTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 8, 1945, 3:30 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Antonio Camillo de Oliveira
Canada -- N. A. Robertson
Chile -- Félix Nieto del Río
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Alfonso García Robles
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. A. Golunsky
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky

The Chairman, Mr. Pasvolsky, opened the meeting at 3:30 p.m.

The Secretary, Mr. Darlington, presented a document entitled "Suggested Procedure for Approving Final Texts of Charter in All Five Official Languages", WD 222, CO/98. He discussed the problem of obtaining an accurate text of the Charter in five languages and agreement from all delegations on all texts. He described briefly the proposal for an Advisory Committee on Languages established under the Executive Committee to work under the direction of the Coordination Committee. The Advisory Committee on Languages would have the duty of verifying the translations of the Charter and providing a Conference mechanism for facilitating acceptance of the translations by the several governments represented at the Conference. To accomplish this purpose, a Russian language panel, a Chinese language panel, and a Spanish language panel of the Advisory Committee on Languages would be constituted. Every panel would have five members, all speaking the language of the panel. In each case one of the panel members would be Russian-speaking, one French-speaking, one English-speaking, one Spanish-speaking, and one Chinese-speaking. Each delegation or group of delegations speaking one of the official languages of the Conference could, if desired, designate a panel member speaking such language and also speaking the language of the panel.

As explained by the Secretary, the English and French texts as approved by the Coordination Committee and the Advisory Committee of Jurists would be submitted to the language panels. These language panels would respectively approve the translation into Russian, Chinese, and Spanish of the English and French texts. Were it necessary to change the English or French text in order to facilitate translation, the change would have to be reported back to the Coordination Committee. The Advisory Committee of Jurists would scrutinize the text in all five languages, although that Committee would not be responsible for the translations.

Mr. Darlington stated that the object of the plan was to permit simultaneous signing in San Francisco of texts in all five languages. In order that the plan might be successful, the language groups represented at the Conference would have to be willing to accept the approval of the Advisory Committee on Languages.

Mr. Fouques-Duparc stated that it might be necessary to bring from Paris a French national who was an expert on international law and Chinese language. Mr. Golunsky stated that his delegation had no one competent to review the Chinese text but it would be perfectly willing to accept a Chinese text approved by the experts of the Secretariat and by the Chinese Delegation. He said that it was a right but not a duty of the delegations to nominate one of their own language group to a panel.

Mr. Yuen-li Liang said that the Chinese Delegation had anticipated this difficulty and has members of its staff working on the translation in close collaboration with the Chinese section of the Secretariat.

Mr. Jebb stated that he would have to reserve his position on the point and inquired whether all five of the texts were to have equal validity. Mr. Golunsky indicated that this decision had already been made. Mr. Pelt pointed out that however carefully the translation was done, there would be difficulty in interpretation. He suggested that the Charter should contain a clause providing that the text in one language would govern.

Mr. Golunsky said he did not think that a provision could be put in the Charter providing that one text would govern its interpretation. He anticipated the most serious difficulty if such a clause were proposed. However, he said, the rules of the Conference provided that the working languages were English and French and if difficulties arose it would be necessary to find the meaning of a provision by reference to the history of the Conference.

Mr. Fouques-Duparc stated he fully shared the view of the Delegate from the U.S.S.R. He said he was quite sure that when a question arose, in view of the fact that French and English were the working languages of the Conference, people would turn to these texts to find out the intention.

Mr. Nieto del Río said that his delegation would have no difficulty in accepting the Chinese and Russian texts approved by these countries' experts. He thought the other Spanish-speaking countries of South America would naturally be more interested in the accuracy of the Spanish translation than in the Chinese and other texts.

It was agreed to defer further consideration of this problem until a later meeting of the Coordination Committee.

General Plan of Work

Mr. Pasvolsky stated that the Coordination Committee would first of all go over the individual articles for accuracy. It would then give the Charter a second reading in completed chapters for arrangement and style. Finally, a third reading would be given for over-all consistency and such final changes as might have to be made.

Preamble

The Preamble (WD 204, CO/93) as passed by Committee I/1 was placed before the Coordination Committee. Mr. Malcolm Davis, the Executive Officer of Commission I, reported that Committee I/1 had concluded that the draft they recommended covered the ideas to be included in the Preamble, but that the style might be improved by the Coordination Committee.

It was decided that the Preamble would be laid aside until the Coordination Committee had been through the rest of the Charter.

## Articles 1 and 2

The Secretary explained that no effort had been made as yet to put Articles 1 and 2 into Charter form pending instructions from the Coordination Committee regarding the relationship between the Preamble, Principles, and Purposes.

After some discussion the Chairman suggested that the Secretariat draft the two articles in Charter form, after which the Committee would take them up in the usual manner. The Secretariat was also instructed to submit a recommendation, after consultation with the Committee of Jurists, as to the manner in which the name of the Organization would be introduced into the Charter.

Mr. Pelt recommended that the Secretariat suggest a more suitable typographical setup for Preamble, Principles, and Purposes in order to clarify the ideas contained therein.

It was decided to defer discussion of these Articles until the Secretariat had cast them in a form consistent with the final Charter text.

## Article 43

The Committee next considered Article 43 as it appears in WD 144, CO/60 (1). The Secretary indicated that in paragraph 2, line 4, after the words "restore peace" the words "and security" should be inserted. Mr. Robertson indicated that in paragraph 1 the words "have power to" should be deleted, a suggestion with which Mr. Jebb agreed.

Mr. Robertson raised the question whether Article 44 (WD 145, CO/61 (1)) overlapped with Article 43. Mr. Yuen-li Liang stated that Article 43 was a general article and the following articles were specific. He and Mr. Bailey agreed that the present order of Article 43 and Article 44 should be maintained, a conclusion with which Mr. Robertson agreed.

It was decided to delete the words "have power to" in paragraph 1 in Article 43 and to insert in line 4 of paragraph 2 after "peace" the words "and security".

It was decided to adjourn discussion of further comments concerning Article 43 until the next meeting of the Committee.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 256 (ENGLISH)
CO/107
June 10, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTEENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 9, 1945, 11:15 a.m.

The following members were present:

Australia -- Paul Hasluck
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile -- Félix Nieto del Río
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Charles Chaumont
Iran -- Dr. Ali Akbar Daftary
Mexico -- A. García Robles
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. Golunsky
United Kingdom -- H.M.G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 11:15 a.m.

It was agreed to postpone discussion of CO/98, Suggested Procedure for Approving Final Texts of Charter in All Five Official Languages, until Monday.

### Article 43

Discussion was resumed of the points under discussion at the close of the previous meeting: (1) Whether or not Article 43 should be split into two numbered paragraphs; (2) whether present Article 44 should be inserted between the first and second paragraphs; (3) whether to eliminate the words "have power to" in the first paragraph.

Mr. Jebb commented that, if paragraphs 1 and 2 were run together, then the words "have power to" might be eliminated and the second sentence simplified to read: "If it so determines, it shall . . ." He made the additional suggestion that the word "what" be inserted before "measures" in present paragraph 2.

Mr. Pelt opposed the suggestion previously advanced by Mr. Robertson to insert present Article 44 between the first and second paragraphs, and felt that it should either be added as a new paragraph following the second, or as a second paragraph in case paragraphs 1 and 2 are combined.

Mr. Liang supported Mr. Jebb's suggestion that there should be one paragraph, and that the text of the second sentence be simplified. He opposed Mr. Pelt's suggestion that Article 44 might be made a part of Article 43, and urged that it be retained as a separate article, in order to bring out the utility and, in some cases, the necessity of interim measures as a distinct idea, and to lend this idea the emphasis it deserves.

Mr. Golunsky favored the retention of paragraphs 1 and 2 as separate paragraphs on the grounds that two separate decisions were involved: the determination of a threat to the peace, and the making of recommendations or decisions. Though in practice one decision would not be made without the other, the distinction is of great legal importance, and should be maintained.

Mr. de Freitas Valle stated that, even though the two paragraphs were kept distinct, Mr. Jebb's original suggestion on the simplification of language might be adopted. The Secretary called attention to the difficulty of following a clause introduced by "whether", implying two alternatives, by a clause introduced by "if", not specifying which alternative is meant. Mr. Jebb then made the further suggestion that paragraph 1 be amended to read: "The Security Council shall determine the existence of". as in the original Dumbarton Oaks Proposals. Mr. de Freitas Valle proposed that the second sentence read "If it so decides" rather than "If it so determines".

Mr. Robertson made two additional suggestions: (1) that the language of paragraph 1 of the present article might be brought into conformity with paragraph 1 of Article 1; (2) that the words "measures or action", as used in the present article, might be compared with other articles in which one is used and not the other, in order to agree on uniform practice. With regard to the second suggestion, Mr. Jebb commented that a distinction between "measures" and "action" was established in Article 46, which contemplated that the latter was more forceful than the former, and that this should probably be retained.

The Committee agreed that the Secretary, in consultation with the Technical Committee concerned, should prepare a statement of intent regarding the use of the words "measures" or "action". The Committee further agreed to refer the following questions to the Jurists Committee: (1) Mr. Jebb's suggestion that the word "what" be inserted before "measures" in paragraph 2; (2) the appropriate usage of the words "determine" or "decide" in the present context and other articles; (3) suggestion by the Chairman that the transfer of the phrase "to maintain or restore peace and security" from the end to the middle of paragraph 2 might involve a change of substance.

## Article 44

The Secretary called attention to the use of "deems" instead of "may deem" and asked for an expression of the Committee's views as to which was preferred for use throughout the Charter. It was agreed that this was a question of style, which might be deferred to a later reading.

Mr. Golunsky objected to the wording of the first four lines as implying some limitation on the powers of the Security Council, and felt that the Council might "at any time" call upon the parties for compliance with provisional measures, either before or after the making of recommendations. The Secretary of Committee III/3, Mr. Fox, explained that the intent of the Technical Committee was best expressed by the French phrase "mesures conservatoires", which implies a definite time period.

Mr. Liang disagreed with Mr. Golunsky's view that the article as presently drafted implied a limitation on the powers of the Security Council. The intention of the present article, he felt, was to emphasize the right of the Council to order such conservatory measures, without prejudicing its right to proceed under the general powers granted by other articles of the Charter. Such conservatory measures would be most useful in the stage before recommendations are made, whereas other measures would be required once this stage is passed. The proposal to delete the first four lines would, therefore, involve a change of substance, and in his view should be referred back to the appropriate Technical Committee.

Mr. Hasluck felt that Mr. Liang and the Secretary had given a fair statement of the Technical Committee's intent, but that Mr. Golunsky had raised a point not previously considered by the Technical Committee, which should be referred to the Technical Committee for clarification. Mr. Golunsky made the further suggestion that the word "even" be inserted before the word "before".

Mr. Pelt stated that, if the Technical Committee intended to refer to "mesures conservatoires", which in his view implied measures to freeze a situation, its intent was not adequately expressed by the present text and should be referred back to the Committee. Mr. Gavrilovic agreed with Mr. Golunsky's original suggestion that measures might be taken by the Council at any time, even after recommendations or decisions had been made.

Mr. de Freitas Valle also agreed with Mr. Golunsky, and supported the insertion of the word "even". He made the further suggestion that the last sentence was unnecessary, and might be eliminated.

Mr. Liang also expressed willingness to add the word "even", although awkward stylistically. He further agreed that conservatory measures might be taken after recommendations as well as before, though to be most useful such measures should obviously be taken before the stage of recommendations. With regard to Mr. Pelt's interpretation of the meaning of "conservatory", Mr. Liang's view was that the intent of the present article was to maintain the situation in a state of tranquillity or possibly introduce a cooling-off period so that the situation does not get worse. He opposed Mr. de Freitas Valle's proposal to eliminate the last sentence on the grounds that failure to comply was one of the elements to be considered by the Council in determining whether or not a disputant was the aggressor.

Mr. Robertson suggested that Mr. Golunsky's point might be met by revising the first sentence to read: "Whether or not the Security Council has made recommendations or has decided upon measures . . ., it may call upon . . ." He also suggested putting the last sentence into the active rather than passive form.

Mr. Chaumont agreed with Mr. Pelt's view of "mesures conservatoires". This phrase, he stated, had a precise meaning in French law which was not as broad as the more general measures envisaged by this article.

Mr. Jebb expressed disagreement with the view that measures might be taken at any moment, which interpretation would, he felt, not be acceptable to the United Kingdom delegation. In his view the application of this article is intended to be confined to a specific stage of action, and this is borne out by the inclusion of the last sentence. Mr. Hasluck indicated general agreement with Mr. Jebb on this point.

The Committee agreed to refer this article to the Technical Committee (III/3) for clarification along with an account of this discussion, following which it should be referred to the Jurists Committee to make sure that the Committee's intent is properly expressed. This reference is to include consideration of the alternative language proposed by Mr. Robertson, as well as the meaning in international law of the term "mesures conservatoires".

## Article 45

Mr. Jebb thought the words "are to be employed" in line 3 of the Secretariat's draft should be changed to "ought to be employed".

Mr. Papánek suggested that the words "complete or partial" in the second sentence might more logically read "partial or complete".

Mr. de Freitas Valle pointed out that the words "such measures" were used in juxtaposition, and felt that the second sentence might better read, "These may include . . ."

Mr. de Freitas Valle also questioned the meaning of the term "diplomatic measures", as used in the first sentence. The Chairman suggested as an alternative "measures of a diplomatic, economic or other character."

Mr. Robertson questioned the use in the second sentence of the phrase "severance of diplomatic and economic relations", and suggested the insertion of the words "up to" before "severance". He pointed out that, so far as economic relations were concerned, these might, as in the case of Italy, be severed gradually in successive stages by the application of additional sanctions, leading up to complete embargo. Others felt this point was taken care of by the phrase "may include".

Mr. Robertson also suggested the use of the word "decide" in the first sentence rather than "determine". Mr. de Freitas Valle and the Chairman pointed out that this would cause confusion, as the word "decisions" was used later on in the sentence in a different sense.

The Committee agreed to ask the Secretary to consider all the points raised in the discussion and make a further recommendation to the Committee.

Mr. García Robles raised a further question regarding the uniform usage in English and the translation into French of such expressions as "may", "should be empowered" and "is authorized". It was agreed to refer this question to the Jurists Committee to determine the standard usage of such terms in the Charter.

Article 46

Mr. Robertson questioned the language of the first clause, pointing out that measures considered inadequate are not necessarily those tried and found wanting, but also those contemplated. It was generally agreed that this was the intent.

Mr. de Freitas Valle suggested the insertion of the word "taken" after measures. The Chairman expressed the view that the Security Council was empowered to take any measures deemed necessary in any sequence. Mr. Liang felt that, as presently worded, the article seemed to imply an obligation on the part of the Security Council to discuss the adequacy or inadequacy of certain measures and reach a decision to use force.

Mr. Pelt argued that the measures contemplated by Articles 45 and 46 should, rather, proceed in a regular time sequence, with measures under Article 46 being adopted only after those under Article 45 had proved inadequate. In opposition to Mr. Pelt, the Chairman expressed the further view that the Council had its choice of measures under the two articles. Those contemplated by Article 46 involving the use of air, naval or land forces may be taken either before or after those contemplated by Article 45. Mr. Fox, the Secretary of Committee III/3, confirmed the Chairman's view that no mandatory time sequence was intended by the Committee.

Mr. Robertson suggested that the first sentence should accordingly be amended to read: "Should the Security Council consider that measures provided for in the preceding Article would be inadequate, or have proved to be inadequate, it may take such action by air . . ."

Mr. Jebb suggested the further amendment, "shall take such action" in place of "may take such action", but withdrew it on representations that this was not the intent of the Technical Committee.

The Committee agreed to accept the language proposed by Mr. Robertson, and to reexamine the article from the point of view of style at a later meeting.

The meeting adjourned at 12:55 p.m., to meet again on Monday, June 11, at 3:30 p.m.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 267 (ENGLISH)
CO/109
June 10, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR FOURTEENTH MEETING OF COORDINATION COMMITTEE

Opera House, Fourth Floor, June 11, 1945, 3:30 p.m.

(It is assumed that part of this Agenda may be carried over to a subsequent meeting)

(1) Further consideration of the Secretariat's note entitled "Suggested Procedure for Approving Final Texts of Charter in All Five Official Languages " (CO/98)

(2) Continuation of consideration of Chapter VII:

| | | |
|---|---|---|
| Article | 47 | CO/84 and CO/84 (1) |
| " | 47X | CO/85 " CO/85 (1) |
| " | 48 | CO/86 " CO/86 (1) |
| " | 49 | CO/87 " CO/87 (1) |
| " | 50 | CO/88 " CO/88 (1) |
| " | 51 | CO/89, CO/89 (1), and CO/89 (2) |
| " | 52 | CO/90 and CO/90 (1) |
| " | 53 | CO/91 " CO/91 (1) |

(3) Consideration of certain articles in Chapter IV which have not yet been approved, at first reading, by the Coordination Committee:

| | | |
|---|---|---|
| Article | 11 | CO/70 and CO/70 (1) |
| " | 14 | CO/49, CO/49 (1), CO/49 (2), and CO/49 (3) |
| " | 17 | CO/47 and CO/47 (1) |

(4) Consideration of certain articles in Chapter IV as revised by the Advisory Committee of Jurists after having been approved, at first reading, by the Coordination Committee:

| | | |
|---|---|---|
| Article | 13 | CO/42, CO/42 (1), and CO/42 (2) |
| " | 15 | CO/69, CO/69 (1), and CO/69 (2) |
| " | 16 | CO/50, CO/50 (1), and CO/50 (2) |
| " | 20 | CO/53, CO/53 (1), and CO/53 (2) |
| " | 22 | CO/75, CO/75 (1), and CO/75 (2) |

Note: Chapter IV contains 13 articles, of which 8 are listed above; 3 have already been approved by both Coordination and Jurists Committees (10, 18 and 21); Article 19 is still before the Jurists Committee; and Article 12 is not yet ready for consideration by either committee.

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(5) Consideration of the Skeleton Preamble and Preliminary Article as prepared by the Advisory Committee of Jurists.

(6) Consideration of certain articles in Chapter II, as revised by the Advisory Committee of Jurists:

Articles 3 and 4 CO/32, CO/32 (1), and CO/32 (2)

(7) Consideration of all of the articles in Chapter III, as revised by the Advisory Committee of Jurists:

Article 7 CO/35, CO/35 (1), CO/35 (2), and CO/35 (3)
Article 9 CO/37, CO/37 (1), and CO/37 (2)

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 288 (ENGLISH)
CO/116
June 13, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FOURTEENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 11, 1945, 4:25 p.m.

The following members were present:

Australia - Paul Hasluck
Brazil - Antonio Camillo de Oliveira
Canada - N. A. Robertson
Chile - Félix Nieto del Río
China - Yuen-li Liang
Czechoslovakia - Jan Papánek
France - Charles Chaumont
Iran - Ali Akbar Daftary
Mexico - Rafael de la Colina
Netherlands - Adrian Pelt
Union of Soviet Socialist Republics - S. Golunsky
United Kingdom - H. M. G. Jebb
United States - Leo Pasvolsky
Yugoslavia - Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 4:25 p.m.

The Chairman asked the Committee whether it was in agreement with the proposals of Doc. CO/98, Suggested Procedure for Approving Final Texts of Charter in All Five Official Languages. He reported that the International Secretariat had asked whether the language panels proposed in this document should consist solely of the five delegates referred to and whether it would be possible for other delegations to work with these panels. The Chairman said that it was hoped to create minimum panels but that if other delegations wished to have their language experts attend, this was within their rights.

Mr. del Río asked how the 17 Spanish-speaking delegations were to designate representatives of the Spanish language group. Mr. de la Colina observed that on account of the variations in Spanish usage at least three groups should be represented. Mr. del Río said that the delegations of Cuba, Chile, Mexico, and Colombia had agreed to work together informally and he suggested that the other groups might do the same.

> The Secretary was asked to work out this problem with the Spanish-speaking delegations.

The Chairman asked if the proposed method of procedure should be referred to the Steering Committee for approval or whether the Secretary could submit it directly to the delegations not represented on the Coordination Committee.

> Decision: The Committee approved the suggested procedure and agreed that it need not be referred to the Steering Committee.

## ARTICLE 47

The Secretary stated that the only change in wording was to translate the word "should" at the end of the first line of the Technical Committee's text to "may" and to put the verbs into the future and present tenses.

The Chairman said that he thought the introductory phrase of the article established an obligation and that therefore the Technical Committee's word "should" would be better translated by "shall" than by "may". The Secretary of the Technical Committee agreed that the introductory clause established an obligation. Mr. Jebb commented that the introductory clause merely stated an objective and that the obligation was established by the word "undertake". He therefore felt that "may" should stand. Mr. Robertson and Mr. Liang agreed on this point. Mr. Liang pointed out that the French text, which begins "in order to enable all members to contribute" was perfectly clear but that the English text suggests that the agreement to make armed forces available is for the purpose of enabling members to contribute to international peace, whereas the real purpose is to provide for the carrying out of enforcement measures decided upon by the Security Council. Mr. Liang and Mr. Jebb suggested that the English text should begin "In order to contribute to the maintenance of international peace and security, all members of the organization undertake . . ."

Mr. Hasluck felt that this produced a slight change in substance by shifting the emphasis from the universality of the organization to the contribution to the Security Council. Mr. Robertson suggested that this article is one of the least appropriate places in the Charter to emphasize the concept of universality.

The Chairman suggested that the article might begin "All members of the organization, in order to contribute to the maintenance of international peace undertake to make available . . ."

Mr. Robertson questioned the appropriateness of the word "govern" and Mr. Jebb suggested that "specify" be substituted for it. This was tentatively agreed to by the Committee, but the Chairman suggested that further thought be given to this wording. Mr. Papánek felt that "specify" was much weaker than "govern". Mr. Jebb then suggested "provide for" but the Chairman thought this was not sufficiently specific.

Mr. Papánek suggested that the wording of the third sentence might be simplified so as to eliminate undue repetition of the words "Security Council" by saying "on the initiative of the Security Council shall be concluded between the Security Council and members or groups of members". The Chairman pointed out that this would leave the suggestion in English that the agreements might be made between members as well as between the Security Council and members.

Mr. Robertson questioned the appropriateness of the technical term "ratification" in the last sentence since the agreements would not be reciprocal in form. He suggested tentatively the word "confirmation", and the Chairman suggested "approval".

Mr. Pelt asked whether the note by the Secretariat stating that the article raises a question of whether the Security Council has the legal status necessary to enter into agreements with states, was based on legal opinion. He felt that states might object to being asked to delegate the power of deciding that agreements are being concluded in accordance with their constitutional processes. The Secretary referred to the report of Subcommittee IV/2/A (Doc. 803), which indicates that the Organization would have the necessary legal attributes to enter into agreements with states.

Mr. Robertson asked whether the Technical Committee had considered whether the agreements would be with the Security Council or with the Security Council acting "on behalf" of the Organization. The Chairman asked the Committee whether the words "on behalf of" should be inserted after the words "Security Council" in the third sentence of the paragraph. He pointed out that Article 24 states that the Security Council acts on behalf of the members of the Organization. Mr. de la Colina felt that this was implicit in Article 47 and need not be stated there.

> Decision: The Committee decided to ask the Secretary to redraft the opening phrases of the article so that it would begin with the words "All members" and to resubmit it to the Committee. It agreed to consider further whether the word "govern" should be retained and not to make any changes in the wording in the third sentence to eliminate repetition of "Security Council". It agreed to ask the Advisory Committee of Jurists whether it was necessary to add the words "on behalf of the Organization" in the third sentence and whether the word "ratification" was appropriate in this article.

## ARTICLE 47 X

The Secretary stated that in the draft of the Technical Committee the word "it" had been used twice to refer to the Security Council and three times to refer to members. The text had been redrafted so that "it" is used only to refer to the Security Council. The word "decides" in the first line had been put in the past tense "have decided".

Mr. Pelt observed that there was an apparent contradiction between the term "any member" in the third line and "that member" in the fifth line. The text suggests that a member may request to be heard before being called upon to give assistance which seems self-contradictory. He felt that the intent was quite clear. Mr. Jebb suggested substituting "a" for "any". Mr. Pelt agreed that this would be an improvement without, however, removing his difficulty completely.

Mr. Robertson asked whether the expression "to use force" appears anywhere else in the Charter. The usual formula is to say "take action under some articles". The Chairman referred to Article 45, which speaks of "measures not involving the use of armed force" and to the words of Article 46, "action by air, naval, and land forces".

Mr. Robertson observed that this latter expression was not the same as "use of armed force". He suggested substituting for "to use armed force" the phrase "to take action under Article 46". Mr. Jebb said that this would again raise the problem of distinguishing between "measures" and "actions". The Chairman asked if this substitution was a substantive change, and Mr. de la Colina replied that Article 46 is the only article providing for the use of force.

Mr. Gavrilovic asked whether "the preceding article" referred to in Article 47 X was also Article 46. The Chairman said and Mr. Gavrilovic agreed that this reference is to Article 47. The Chairman added that cross-references in the Charter would have to be looked at as a whole at a later stage.

Mr. Jebb suggested that repetition could be avoided by substituting for "as the member so requests" the words "as the latter so requests".

Mr. Gavrilovic observed that the opening words "when the Security Council has decided" raised difficulties of translation, but the Chairman said that the English was clear.

Decision: The Committee approved the change of "decides" to "has decided". It agreed to substitute "a" for "any" and "if the latter shall request" for "as the member so requests". It agreed to eliminate the phrase "to use armed force" and to substitute "to take action under Article 46" and also to substitute "under Article 47" for "under the preceding article".

## ARTICLE 48

The Secretary said that there were no changes in the wording of the article except to put the verbs in the active rather than the passive voice.

Mr. Pelt suggested that since "all members" are referred to in Article 47, the same wording should be employed in the second line of Article 48. The Chairman observed that some members provide only facilities or assistance and that some expression would have to be found to indicate that the members referred to are those which have agreed to supply air force in the first instance. Mr. Jebb suggested simply substituting "certain members" for "the members".

Mr. Liang felt that such a change would shift the emphasis away from the urgent need for members to contribute to the maintenance of peace and security, and would raise doubts as to whether the article is really different from Article 46.

Mr. Robertson said that the difficulty with Article 48 was that it is merely a gloss which elaborates a part of Article 47, i.e., the strength and degree of readiness of air force contingents. It carries the implication that the Military Staff Committee is not to be concerned with the other elements of the military agreements. The article, therefore, really belongs with Article 47. In its present position and as now worded it creates confusion.

The Chairman suggested that what was meant and what should be stated is "that in order to enable the Organization to take military measures those members of the Organization which shall have obligated themselves in accordance with Article 47 to provide air force contingents shall hold them immediately available."

Mr. Robertson felt that this would change the intention of the article. The Chairman emphasized, however, that the force of the second sentence of Article 48 is that the Security Council with the assistance of the Military Staff Committee cannot call upon member states to provide larger air force contingents available for immediate use than the contingents agreed to in the agreements themselves, but that the Security Council has the right to ask the member states to hold the air forces which they do undertake to provide, or a part of such forces, in a particular state of readiness. It also means that the Security Council cannot call upon a state which has not agreed to provide air force contingents to provide them.

The Chairman concluded that the article provides for a special case affecting the application of the agreements to be concluded under Article 47.

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Mr. Hasluck said that there was room for a different interpretation. The article does not merely give an interpretation of one part of the military agreements but is supplementary to them. It provides for urgent measures and, therefore, adds to the article providing for military agreements. This is clear from the orginal Dumbarton Oaks text. The Chairman said that his interpretation of the article was based on the phrase carried over from the Dumbarton Oaks text "within the limits laid down in the special agreements referred to in paragraph 5 above".

Mr. Papánek asked for a clarification for the phrase "for combined international enforcement action" and referred to the last phrase of Article 46, which says that action by the Organization may include action by members of the Organization. The Chairman replied that this question was answered in Article 49, which provides that enforcement action by the member states shall be determined by the Security Council and shall not be independent action.

Mr. Robertson observed that an alternative draft of the article was needed.

> Decision: The Committee decided to postpone action on the article and to consider further whether an alternative draft is needed.

## ARTICLE 49

The Secretary said that there were no changes in the draft text except the insertion of a comma in the fourth line.

Mr. Robertson said that the position of the words "in cooperation" in the first sentence was such as to make it applicable only to action by all the members and not to action by "some members". He felt it should govern both. The Secretary of the Technical Committee commented that this might not be appropriate if the Council should designate only one member to carry out its decisions, but Mr. Robertson replied that the typical case would be action by "some members". He suggested that the words "in cooperation" would be better placed in the second sentence and the Chairman suggested that by leaving the words out. Mr. Jebb, however, felt that they should be retained.

The Committee discussed generally the difficulties raised by the wording of the second sentence which implies that action is to be carried out by the specialized organizations or agencies. The Chairman said that the members are clearly obligated to carry out the decisions of the Security Council and are at the same time members of specialized organizations whose actions might impair or even prevent the action of the Council. The second sentence placed an obligation on them not to allow the specialized agencies to act in such a way. There was general agreement that this was the meaning of the sentence but Mr. Robertson said that there was doubt as to the appropriateness of the members of the Organization undertaking to decide the action of the agencies. The proper undertaking was that in their capacity as members of the specialized agencies they should do their best to implement the decisions of the Council. The Chairman agreed that the obligation to act was laid not on the specialized agencies but on the member states. It was suggested that the following words might express this thought, "through their action as members of the appropriate specialized organizations and agencies". Mr. Jebb objected that it would be confusing to say that the undertaking should be carried out by the members "by their own action" and also by their action as members of organizations, since the latter is also their own action. He suggested as an alternative "both directly and through their action as members . . ."

It was suggested that Mr. Robertson might attempt a redraft which would find an appropriate place for the words "in cooperation" and clearer language for the second sentence.

> Decision: The Committee agreed on the meaning of the second sentence as developed in the discussion. It agreed that a redraft should be drawn up and that representatives of the appropriate technical committee be consulted. It further agreed that the new draft should be considered by the Committee and not referred immediately to the technical committee.

ARTICLE 50

The Secretary said that the word "application" in the Technical Committee text had been changed to "use" and that the final words "referred to in paragraph 9" had been omitted.

The Committee discussed the relation of this article to Articles 47, 48, and 51. Mr. Pelt emphasized particularly the provision of Article 48, which states that plans for combined action should be determined by the Security Council with the assistance of the Military Staff Committee, and Mr. Robertson stressed that military planning was provided for in the first sentence of Article 51, which states that the Military Staff Committee should assist the Security Council on all matters relating to its military requirements. Mr. Pelt also asked whether the absence of any reference to the Military Staff Committee in Article 47 was inadvertent.

The Chairman pointed out that Article 50 authorizes the Security Council with the assistance of the Military Staff Committee to make plans for the use of armed forces under all conditions. He also said that Article 48 covers only the special case of planning for air forces which is included within the broad powers granted in Article 50. He thought, therefore, that it would be logical, to avoid duplication, to omit reference to planning in Article 48 and to change Article 50 to read "Plans for the use of armed forces placed at the disposal of the Security Council under Articles 47 and 48 shall be made by the Security Council with the assistance of the Military Staff Committee".

Mr. Jebb suggested adding a reference to the Military Staff Committee to Article 47 and suppressing Article 50 entirely.

The Chairman said that the retention of Article 50 as a separate article was necessary because, without it, there is no indication in the Charter of who has the responsibility for formulating plans for the use of armed force and there is no direct grant of power to the Security Council to do so in any other place.
Mr. Gavrilovic and Mr. Liang both agreed that it was necessary for those reasons to retain Article 50, and Mr. Jebb also expressed his agreement, adding that he had thought that the matter had been provided for elsewhere.

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The Chairman reviewed the logical sequence of Articles 46 to 51 but said that when the Committee considered the Chapter as a whole he would suggest placing Articles 50 and 51 before Article 49.

The Committee discussed the substitution of "use" for "application". Mr. Golunsky said there was a great difference between the force of the two words in Russian. It was also brought out that if the word "application" were retained the phrase "armed force" could be retained also but that if the word "use" were substituted "armed forces" would have to be used. Mr. Jebb and other members advocated a return to the word "application".

> Decision: The Committee agreed to restore the word "application" instead of "use" and to omit the words "referred to in paragraph 5". In this form it approved the text of the article.

ARTICLE 51

The Secretary reported that he had been greatly assisted by Mr. Robertson in preparing a redraft of this section. The single paragraph of the Technical Committee's text had been divided and the three parts, one dealing with the establishment of the Military Staff Committee and its responsibility, one dealing with its composition, and one with its authority to set up regional subcommittees. The sentence "questions relating to the command of such forces shall be settled by subsequent agreement" had been transposed and is now placed in the first paragraph. The Secretary also reported on minor drafting changes made in the Article.

Mr. Jebb suggested that the sentence relating to the command of armed forces might imply formal agreement between all those providing forces and invited the Committee to consider whether this sentence should not be preceded by a reference to action by the Security Council on advice of the Military Staff Committee. The Chairman pointed out that the phrasing of this sentence requires reconsideration on the ground that as drafted by the Technical Committee, it does not necessarily imply that the question shall be settled by agreement.

> Decision: Further consideration of this question was postponed to a later meeting.

## TEXT OF STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

The Chairman asked the Committee to consider whether it thought that it should pass on the text of this title or simply accept it as it stands. He suggested that the text to be distributed to the members be read by them from the point of view of whether there were textual questions which should be discussed by the Coordination Committee.

The meeting adjourned at 6:30 p.m.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 350 (ENGLISH)
CO/116 (1)
June 15, 1945

# COORDINATION COMMITTEE

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## CORRIGENDUM TO SUMMARY REPORT OF FOURTEENTH MEETING OF COORDINATION COMMITTEE, JUNE 11, 1945

(WD 288 (English), CO/116)

**Page 8**

**Instead of the sentence at the top of the page, substitute the following: "Mr. Jebb agreed that they should be omitted."**

**Page 9**

**Paragraph 4: Re-phrase as follows: "Mr. Jebb said it would be possible to add a reference to the Military Staff Committee to Article 47 and to suppress Article 50 entirely."**

**Paragraph 5: Delete the last 13 words.**

**Page 10**

**Paragraph 2, third sentence: For the words "It was also brought out" substitute "Mr. Jebb said". Fourth sentence: For the words "Mr. Jebb and" substitute "He and".**

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 289 (ENGLISH)
CO/117
June 13, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FIFTEENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 12, 1945, 10:50 a.m.

The following members were present:

| | |
|---|---|
| Australia | --K. H. Bailey |
| Brazil | --Antonia Camillo de Oliveira |
| Canada | --N. A. Robertson |
| Chile | --Félix Nieto del Río |
| China | --Yuen-li Liang |
| Czechoslovakia | --Jan Papánek |
| France | --Charles Chaumont |
| Iran | --Ali Akbar Siassi |
| Mexico | --Rafael de la Colina |
| Netherlands | --Adrian Pelt |
| Union of Soviet Socialist Republics | --S. A. Golunsky |
| United Kingdom | --Col. Denis Capel Dunn |
| United States | --Leo Pasvolsky |
| Yugoslavia | --Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 10-50 a.m.

### ARTICLE 51

The discussion of the preceding meeting was resumed.

In connection with a suggestion by Mr. Robertson that the last five words of paragraph 3 be omitted from the English text, as had already been done in the French text there was considerable discussion of the procedure to be followed in drawing up the French text of the Charter Mr. Liang pointed out that, because no panel has been set up for the French language as for the Russian, Chinese, and Spanish languages, each member of the Committee is in a sense responsible for the French text So far as the Chinese Delegation is concerned it wishes a full opportunity to participate in the verifying of the French text.

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Mr. Chaumont suggested that it was the responsibility of the Jurists Committee to check the concordance of the French and English texts.

The Secretary stated that the Jurists Committee was already working on both texts, and suggested as a method of procedure that, when the Coordination Committee arrives at the second stage, that of considering whole chapters, it should proceed to a thorough reading of the French as well as the English text. Mr. Robertson suggested that it would be extremely useful to have copies of the various chapters prepared, with the French and English texts in parallel columns.

> The Committee agreed to accept the Secretary's suggestion to consider the French and English texts together, chapter by chapter, at the time of the second reading.

Colonel Capel Dunn criticized the words "by subsequent agreement", used at the end of paragraph 1, as implying too formal an arrangement, and the Chairman suggested that these be replaced by the word "subsequently". Mr. Bailey felt that this might be construed either as subsequently to the Charter, which would be true of the whole procedure, or as subsequently to strategic direction, which seems more logical. He therefore suggested the substitution of the words "as occasion may require" to make this point clear.

Mr. Robertson asked whether it was intended to leave open the question of who would settle the choice of command, and the Chairman stated that this could be settled either by the Security Council, the Military Staff Committee, the participating states, or by any combination of these. Mr. Gavrilovic felt that there was a difference of substance in this regard between "subsequently", which implies that the question would be settled as a matter of principle, and "as occasion may require", which implies an ad hoc solution, varying according to the individual case. Mr. Golunsky favored the latter on the grounds that, for each case in which the Security Council uses force, the question of command will be decided on its own merits in relation to the makeup of the armed contingents supplied by one or more of the members. Mr. Liang agreed with Mr. Gavrilovic that there is a difference of substance between "subsequently" and "as occasion may require". Mr. Bailey felt that there was no real difference in practical effect and argued that either expression could be construed to cover both the general principle and the particular case in question.

Mr. Liang called attention to the fact that in the original Technical Committee text, the sentence on command followed the sentence on the composition of the Military Staff Committee which seemed to him more logical than the present arrangement.

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He also felt that Mr. Bailey's previous remarks about the close connection between strategic direction and command had considerable merit.

The Chairman agreed with the latter observation, and suggested that the last two sentences of present paragraph 1 be made a new paragraph 3, with present paragraph 3 being renumbered 4, There was also considerable discussion of the use of the word "settled" in paragraph 1, with "worked out", "studied and settled", "decided upon", and "dealt with" being variously suggested as possible alternativos.

The Committeo agreed to accept the rearrangement of Article 51 proposed by the Chairman, with the last sentence in paragraph 1 amended to read, "Questions rolating to the command of such forces shall be dealt with as occasion may require".

It was further agreed, at the suggestion of Mr. Papánek and Mr. Bailey, that the words "such a state" in paragraph 2 be replaced by "that member".

ARTICLE 52

Article 52 was approved without change, subject to reexamination at the time of the second reading.

ARTICLE 53

The Secretary called attention to the following changes:

(1) the insertion of a comma after the first "Security Council"

(2) the substitution of "that" for "which" at the end of line three

(3) the substitution of "concerning the solution" for "in regard to a solution", and

(4) the substitution of "may" for "should have the right to".

The first change was agreed to without discussion. At Mr. Robertson's suggestion the Committee agreed to eliminate the words "that have been". Following a comment by Mr. Papánek that the words "concerning the solution" implied an obligation not found in the original text, the Committee further agreed to return to the words "in regard to a solution".

Mr. Bailey expressed a preference for the word "may" as being broader than "should have the right to". The Chairman disagreed,

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and felt there would be some advantage in this particular article in emphasizing the word "right". The Committee agreed to substitute provisionally the words "shall have the right to" and to reconsider the question in connection with other articles in which the expression is used.

Mr. Bailey raised a question regarding the distinction between the words "measures" or "action" implied by their usage in various articles of the present Chapter. It was agreed to reexamine this question in connection with the Charter as a whole.

Article 53 as amended was provisionally approved.

ARTICLE 11

The Secretary called attention to the rearrangement of paragraph 2 (b) of the Technical Committee text as paragraphs 2 (c) and 3 of the present text. It was agreed to examine the article paragraph by paragraph.

### Paragraph 1

There was considerable discussion of the substitution of the word "may" for "should have the right to". Mr. de Oliveira reported that the Technical Committee had used the latter expression in an attempt to give more force to the powers of the Assembly in this connection. Mr. Robertson felt that this expression was actually weaker than the English word "may", which is an enabling word granting the power; "should have the right", on the other hand, gives a defensive character to the Assembly by implying that its status is similar to that of minors. Dr. Siassi expressed the view that the relative value of "may" and "should have the right" varies according to what body is being dealt with. In the case of a powerful body like the Assembly, "may" is preferable; however, in speaking of an individual member of the Assembly, it would be more correct to use "should have the right".

Mr. Bailey traced briefly the experience of the last quarter of a century with regard to the use of these words in modern juridical drafting. He stated that, over this period, the English idiom had changed, with "have the right" losing force compared to "may". In his view the use of "have the right" in this connection would possess the slightly defensive element referred to by Mr. Robertson, and would imply that the Assembly's powers were limited to not having its jurisdiction challenged in this one respect. He concluded that, as a matter of modern English drafting, "may" was both stronger and more complete.

Mr. Chaumont stated that the French equivalent of "may" would be "a le pouvoir de". Messrs. de la Coline and Nieto del Río felt that, in Spanish, "has the right" would have the same connotation as in English. Mr. Liang stated that the problem would not arise in Chinese, as there were two different expressions to express the two senses in which "may" is used in English.

The Committee agreed to use the word "may" in the English text and the words "a le pouvoir de" in the French. Paragraph 1 was approved, with the words "except as provided" substituted for "subject to the exception embodied", in accordance with a similar change in paragraph 2 (b).

### Paragraph 2

Mr. Liang asked for an explanation of the meaning of the word "generality". It was explained that this was a well-known term in international law, used in the sense of "general application" or "scope" to avoid the implication that a specific exception excludes other specific or more general cases. The Committee agreed to leave this unchanged for the present, but to reexamine it later.

The Chairman called attention to the fact that Articles 11, 14, and 15 of this chapter all relate to discussions and recommendations in the field of international relations, and felt that the general introductory phrase used in paragraph 2 might well refer to all three articles. He made the further suggestions that paragraph 1 be made a separate article, and that Articles 11, 14, and 15 be arranged so as to follow one another. It was agreed to discuss these suggestions at the time of the second reading.

Mr. Robertson referred to the use of the words "consider" and "discuss" in subparagraphs (a) and (b) and in other parts of the Charter, and reminded the Committee of the conclusion of one of the Technical Committees that "consider" includes "discuss". Mr. Staley, the Secretary of Committee II/2, pointed out that the present language had been carried over from the Dumbarton Oaks Proposals.

Various explanations were offered as to possible differences in meaning between "discuss" and "consider". Mr. Papánek pointed out that the "discuss" implied a certain limitation, in that the Assembly could not make recommendations on a matter being considered by the Security Council. Mr. Bailey agreed that the important distinction here was that between discussion and recommendation, rather than discussion and consideration. The Chairman pointed out that "consider" was rightly used in subparagraph (a), where no limitation is intended. The Committee agreed to let the text stand for the time being, and to reconsider the question in terms of the Charter as a whole.

A number of drafting changes were made in paragraph 2. In subparagraph (a), the Committee agreed to add the words "or both" after "Security Council", to change the phrase "in such principles" to "with regard to such principles" to follow "recommendations"; and to omit the final "and". In subparagraph (b), the Committee agreed to the change previously noted in paragraph 1, substituting "except as provided" for "subject to the exception embodied"; and to add a semicolon and the word "and" following "discussion".

The Committee also agreed to change the internal punctuation of (b) to avoid having a full stop in the middle of a subordinate paragraph, and to substitute "members" for "governments" throughout the article. Finally, the Committee agreed to use the words "peace and security", instead of "peace or security" in subparagraph (c).

Paragraph 2 was approved as amended.

Paragraph 3

Mr. Liang questioned the use of the word "immediately" as a conjunction in the final sentence and proposed the substitution of the words "as soon as". Mr. Papánek suggested that this sentence might refer to "the members of the General Assembly" rather than "the General Assembly", or possibly to the General Assembly when in session. The Chairman commented that this would involve a change in substance over the Technical Committee's text.

Mr. Liang commented that a further change in substance was involved in making the last clause a separate sentence; if it were included in the previous sentence, as in the Technical Committee's text, it would be clear that the words "at each session" would also govern notification of the Assembly. Mr. Robertson stated, and Mr. Bailey agreed, that this would make the word "immediately" meaningless, and suggested that the matter be referred back to the Technical Committee. The Chairman suggested that the last sentence be attached to the preceding one by the use of a semicolon and the word "and".

Mr. Bailey pointed out that the phrase "at each session" could not, as a matter of grammatical construction, be held to govern the second "notify". Mr. Chaumont agreed that the drafting of the last clause as a separate sentence raised questions of substance, including the question of the application of the phrase "with the consent of the Security Council". Mr. Bailey stated that it was clear from the English text that the phrase "at each session" governed only the first "notify", whereas the phrase "with the consent of the Security Council" governed both sentences.

Mr. Liang recalled the point he had previously raised regarding the status of the General Assembly at times when it

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was not actually in session, and suggested that this question be referred to the Technical Committee for clarification. The Chairman agreed that this was an important question, and referred to the previous understanding that, if the Assembly adjourns, it ceases to exist; however, it may continue in session by agreeing to a recess instead of an adjournment.

Mr. Golunsky felt that if something were to be referred to the Technical Committee, it would expedite the work of the Conference if the Coordination Committee proposed a text rather than a question of principle. Dr. Siassi objected to referring to the Technical Committee either leading questions or proposed texts involving changes of substance, on the grounds that this would tend to prejudice the decisions of the Technical Committee concerned. In his view the important question requiring an answer from the Technical Committee was that of the notification procedure to be followed when the Assembly is not in session.

Mr. Liang suggested referring the last sentence to the Technical Committee, along with the summary report of the discussions in the Coordination Committee. Dr. Siassi reiterated his view that the technical committees should be left free to decide their own texts. Mr. Bailey indicated that in principle he was not opposed to referring a summary report of the Coordination Committee to a technical committee, but felt that the account of the present discussions would be too long and diffuse to be useful. He therefore proposed, since the Secretary of the Technical Committee was present, to leave it to that Committee to decide the best method for informing itself of the discussions in the Coordination Committee.

The Chairman expressed the view that it is entirely proper for the Coordination Committee to seek explanation of a text from a technical committee, indicating the reasons why such explanations are wanted. He therefore proposed that the previous practice be followed of asking the Secretary to report to the Technical Committee the sense of the discussions in the Coordination Committee, and seek further clarification of the Technical Committee's views.

> The procedure suggested by the Chairman was agreed to, and the Secretary asked to consult the Technical Committee regarding clarification of the last sentence of paragraph 3.

The meeting adjourned at 1:10 p.m., to meet again, Tuesday, June 12, at 3:30 p.m.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 292 (ENGLISH)
CO/119
June 13, 1945

# COORDINATION COMMITTEE

## SUMMARY REPORT OF SIXTEENTH MEETING OF COORDINATION COMMITTEE

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Opera House, Room 418, June 12, 1945, 3:45 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Antonio Camillo de Oliveira
Canada -- N. A. Robertson
Chile -- Nieto del Rio
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Roberto Córdova (first part of meeting)
Mexico -- Rafael de la Colina (second part of meeting)
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. A. Golunsky
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 3:45 p.m.

The Secretary, Mr. Darlington, presented the document entitled "Text as Tentatively Approved by the Advisory Committee of Jurists at its Fifth Meeting, June 11, 1945" /Doc. CO/65 (2), June 12, 1945/. This document contained the text of Chapter X, "The International Court of Justice", Articles 64 through 68. The Secretary stated that the Coordination Committee had seen this document in its earlier stages, that the Advisory Committee of Jurists had seen it on June 11, and that the Jurists had reviewed it again on June 12. The Chairman asked for comments.

### Article 64

Mr. Nieto del Rio asked why the word "principal" had been used and wondered whether there might be other judicial organs of the Organization. Mr. Golunsky replied that there were several provisions in the Charter whereby quasi-judicial organs might be set up by the Organization and that there were general provisions by which the Organization could establish the necessary subsidiary organs.

Article 64 was approved.

Article 65

Mr. Robertson suggested the following alternative wording to paragraph 2:

> "A State which is not a member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case...".

Mr. Hackworth, Chairman of the Committee of Jurists, was asked for an opinion and he stated that as far as he could see, there would be no objection to the proposed change.

Article 65 was approved.

Article 66

Mr. Golunsky pointed out that the second paragraph of this Article made a considerable change in the functions of the Security Council. Formerly, the Security Council had jurisdiction only in matters concerned with the maintenance of peace and security. This Article would give the Council authority to deal with matters which might have nothing to do with security.

Mr. de la Colina stated that in the technical committee this Article was thoroughly discussed and it had been the sense of the Committee that an additional obligation should not be put on the Security Council. For this reason the original text of this Article had been changed to read "may" instead of "shall". Mr. Robles said that the Advisory Committee of Jurists had added the words "if it deems necessary" in order to avoid imposing an express obligation on the Council. The Committee had felt that this would clarify the role of the Security Council. Mr. Pasvolsky asked the Committee to consider whether the addition of these words altered the sense of the Article. Mr. Liang stated that he felt it was not within the jurisdiction of this Committee to reopen the discussion of the substance of this Article. As a matter of fact, however, he did not entirely agree with Mr. Golunsky that the Article empowered the Council to interfere with matters that had nothing to do with peace and security. For example, the failure of a party to carry out an arbitral award would affect peace and security and would be related to the provisions of Chapter VIII, Section A.

Mr. Pasvolsky stated that the real task of this Committee was to examine this Article to see whether it was in conflict with other paragraphs of the Charter relating to the Security

Council and to study the Article from the point of view of consistency. Mr. Golunsky felt that there was not a conflict but certainly a very close connection between Article 64 and Article 37 which he read. He questioned whether it would be advisable to have two almost identical provisions in the Charter.

> Decision: The Committee agreed with the Chairman to defer final consideration of this Article until it could be examined together with the rest of the Charter.

> Decision: Two verbal changes were accepted: "If" to be substituted for "In the event"; and "upon" to be added after the word "decide in the last line of the Article.

## Article 67

Mr. Darlington pointed out the Advisory Committee of Jurists had changed the word "this" to "the present" in order to be consistent with other Articles in the Charter. There was no discussion of this Article.

## Article 68

Mr. Liang pointed out that there had been a similar Article in Chapter VIII, Section A, of the Dumbarton Oaks Proposals, in which the Security Council was empowered to ask for an advisory opinion of the Court, on any legal aspects.

Mr. Bailey said that it would be necessary eventually to examine Chapter VIII, Section A, but that this was under consideration by Committee III/2 and at present there was no final text of this Chapter. Mr. Golunsky suggested that the Secretary should bring to the attention of Committee III/2 the fact that Article 68 had been adopted by Committee IV/1 and the Chairman replied that this had already been done.

Mr Pelt asked why the word "or" had been substituted for the word "and" in the first paragraph. Mr. Hackworth replied that the word "and" implied that the Assembly and Council would have to join in requesting advisory opinions and it was the Committee's desire to make it possible for each of these bodies to ask separately for opinions. Mr. Pelt thought it was possible that it might be desirable to split this article and put these provisions into the chapters on the Assembly and Council. In response to a question from the Chairman Mr. Padelford, the Executive Officer of Commission IV, stated that this article had first been considered by Committee II/2 on the Assembly and had been referred by that Committee to IV/1. He felt that the present draft was in line with the thinking of both committees.

> Decision: The Committee agreed with the Chairman to consider this Article later as a part of the whole Charter.

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## Draft Report of the Rapporteur of Committee IV/1 (Doc. 875).

Mr. Darlington asked Mr. Hackworth, the Chairman of the Advisory Committee of Jurists, to make such observations as he wanted concerning this report. Mr. Hackworth called attention to Annex 2 entitled "Statute of the International Court of Justice". He said that the Advisory Committee of Jurists had been authorized by Committee IV/1 to make drafting changes in the report and that the Committee had made no substantive changes. There was then some discussion as to whether the Coordination Committee should examine the Statute article by article or whether they should examine it at a later date as an integral part of the Charter. Several delegates felt that they needed time in which to read the document and suggested in any case the detailed discussion be postponed. Mr. Bailey felt that it would be desirable to consider the Statute article by article but asked Mr. Hackworth to explain the relationship between the Statute as adopted by Committee IV/1 and the Statute of the Permanent Court of International Justice.

In reply Mr. Hackworth made a short historical summary. He stated that the Committee of Jurists in Washington had decided to take as a basis for the new International Court of Justice the Statute of the existing Permanent Court of International Justice; they decided to make only such changes as were necessary to fit the Statute to the new organization; that certain formal changes were made such as changing the references from League of Nations to the United Nations; certain amendments were made which were considered as substantial in prudence; but that the basic text was essentially the same as that of the Statute of the Permanent Court of International Justice. He recalled the fact that that Statute had been drafted by a Committee of Jurists in 1920 and had been amended by a Committee of Jurists in 1929. All changes made in the present draft Statute had been very carefully considered by Committee IV/1 and by four subcommittees. He felt that the Statute would stand the test of time, that the language was simple and that it would fit into the Charter of which it would become a part.

Mr. Golunsky stated that it would take a week or more to discuss every article carefully and it did not seem to him necessary in view of the fact that all members of the Coordination Committee had also been represented on the Advisory Committee of Jurists and on Committee IV/1. In this respect the Statute was the result of the work done by competent jurists from every country. Mr. Córdova and Mr. Antonio Camillo de Oliveira agreed with Mr. Golunsky and it was suggested that if any members had comments to make on the Statute they should give them to the Secretary in writing. Mr. Pasvolsky agreed it would not be necessary to examine the Statute in detail for substance but that it should be considered with the rest of the Charter and especially in connection with Chapter X.

Decision: It was agreed to examine the Statute at a later date from a general point of view, and the Secretary was asked to distribute the latest draft as approved by the Advisory Committee of Jurists.

Article 14 /CO/49; CO/49 (1); CO/49 (2); CO/49 (3)/.

Mr. Darlington stated that this Article had first been adopted by Committee II/3 on May 25 and later had been adopted by Committee II/2 on June 7. The emphasis in these two drafts was different. He also indicated several changes in punctuation and word order.

Mr. Bailey asked for some clarification since he understood Committee II/2 had made its alterations without knowing of the changes made by Committee II/3. Mr. Pasvolsky pointed out that the question had been first whether there should be three independent and coordinate objectives, "promoting, assisting and encouraging" in the Article and, second, whether "international cooperation" should govern the three objectives. CO/49 (1) had been drafted to make "international cooperation" govern all three objectives.

In response to a request by the Chairman Mr. Staley, Secretary of Committee II/2, explained that there had been dual jurisdiction in connection with this paragraph. It had been referred both to Committee II/2 and II/3; II/3 had made changes only on the first part of the paragraph relating to economic and social problems and sent these changes directly to the Coordination Committee. Committee II/2 had worked only on that portion of the paragraph dealing with the question of international law and had sent this draft directly to the Coordination Committee. This particular phrase had represented a considerable compromise in the Committee. He said that Committee II/2 had acted only on the Dumbarton Oaks text and the amendment of the four sponsoring governments together with several other amendments. Committee II/2 had not considered that part of the text which had been concerned with economic and social problems.

Mr. Bailey suggested that a new draft, as the Committee passed it, be prepared for the consideration of the Committee. It should include the first part of the text from CO/49 and the latter part of the text from CO/49(2). Then it would be possible to discuss further drafting changes.

Decision: It was agreed that the Secretary should be asked to prepare a new text on white paper.

Mr. Robertson pointed out that Article 58 covered similar ground and he felt that at a later stage Article 14 should be reexamined in the light of Article 58.

Decision: It was agreed to examine Articles 14 and 25 as a part of the whole Charter.

The Chairman asked Mr. Darlington to distribute as quickly as possible agenda for two meetings on the following day.

The meeting adjourned at 5:15 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 285 (ENGLISH)
CO/114
June 13, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR SEVENTEENTH AND EIGHTEENTH MEETINGS OF COORDINATION COMMITTEE

Opera House, Room 418, June 13, 1945, 10:30 a.m. and 3:30 p.m.

(Note: It is assumed that part of this Agenda may be carried over to subsequent meetings. It is hoped that the Committee may wish to take up item 3 below at its afternoon meeting on June 13 in view of the meeting of Commission IV arranged for June 15.)

(1) Consideration of one article in Chapter IV which has not yet been approved, at first reading, by the Coordination Committee:

| | |
|---|---|
| Article 17 | CO/47 and CO/47 (1) |

(2) Consideration of certain articles in Chapter IV as revised by the Advisory Committee of Jurists after having been approved, at first reading, by the Coordination Committee:

| | | |
|---|---|---|
| Article | 13 | CO/42, CO/42 (1), and CO/42 (2) |
| " | 15 | CO/69, CO/69 (1), and CO/69 (2) |
| " | 16 | CO/50, CO/50 (1), and CO/50 (2) |
| " | 20 | CO/53, CO/53 (1), and CO/53 (2) |
| " | 22 | CO/75, CO/75 (1), and CO/75 (2) |

(Note: Chapter IV contains 13 articles, of which 6 are listed above; 3 have already been approved by both Coordination and Jurists Committees (Articles 10, 18, and 21); Article 19 is still before the Jurists Committee; Article 12 is not yet ready for consideration by either Committee; and Articles 11 and 14 were discussed by the Coordination Committee on June 12.)

(3) Consideration of certain articles in Chapters XIII and XV which it is expected the Advisory Committee

of Jurists will consider at its seventh meeting to be held at 1:30 p.m. June 13, 1945.

| | | |
|---|---|---|
| Article | 74 | CO/68 and CO/68 (1) |
| " | 75 | " " |
| " | 76 | CO/102 and CO/102 (1) |
| " | 77X | CO/100 and CO/100 (1) |
| " | 78 | CO/73, CO/73 (1), and CO/73 (2) |
| " | 82 | CO/103 and CO/103 (1) |

(4) Consideration of the Skeleton Preamble and Preliminary Article as prepared by the Advisory Committee of Jurists.

(5) Consideration of certain articles in Chapter II, as revised by the Advisory Committee of Jurists:

| | |
|---|---|
| Articles 3 and 4 | CO/32, CO/32 (1), and CO/32 (2) |

(6) Consideration of all the articles in Chapter III, as revised by the Advisory Committee of Jurists:

| | | |
|---|---|---|
| Article | 7 | CO/35, CO/35 (1), CO/35 (2), and CO/35 (3) |
| " | 9 | CO/37, CO/37 (1), and CO/37 (2) |

(7) Consideration of all of the articles in Chapter IX:

| | | |
|---|---|---|
| Article | 58 | CO/43, CO/43 (1), and CO/43 (2) |
| " | 59 | CO/66, CO/66 (1), and CO/66 (2) |
| " | 60 | CO/44, CO/44 (1), and CO/44 (2) |
| " | 60X | CO/99 and CO/99 (1) |
| " | 61 | CO/48, CO/48 (1), CO/48 (2), and CO/48 (3) |
| " | 62 | CO/64, CO/64 (1), CO/64 (2), and CO/64 (3) |
| " | 63 | CO/45, CO/45 (1), and CO/45 (2) |

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*The United Nations Conference on International Organization*

RESTRICTED
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CO/121
June 14, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SEVENTEENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 13, 1945, 10:45 a.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Antonio Camillo de Oliveira
Canada -- N. A. Robertson
Chile -- Félix Nieto del Río
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Charles Chaumont
Iran -- Ali Akbar Siassi
Mexico -- Rafael de la Colina
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. A. Golunsky
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 10:45 a.m.

Mr. Jebb suggested that, in order to expedite the work of the Conference, the Jurists Committee might meet at the same time as the Coordination Committee, possibly in the next room. This would facilitate consultation between the members of the two Committees and would not, he believed, seriously inconvenience those delegations which had members serving on both Committees. The Secretary indicated that, at present, this was not necessary from the standpoint of the Jurists Committee, which has largely completed consideration of the articles referred to it, but might well be tried at a later stage. The Chairman emphasized the necessity for the Coordination Committee to accelerate its work, and complete a first reading of the texts under consideration as rapidly as possible.

In accordance with the suggestion of the Chairman, items (1), (2), (5), and (6) on the agenda were passed over. Item (3) was referred to the Jurists Committee for preliminary examination, since it involves texts of a technical, legal nature passed by Committee IV/2.

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## Preamble and Preliminary Article

The Secretary referred to the considerations which had led the Jurists Committee to propose a separate establishment article as a preliminary article following the Preamble, and also to suggest a change in the governing words of the Preamble so as to list the states represented at San Francisco The principal consideration in the latter regard is one of making clear which are the original members of the Organization as opposed to those later admitted. Mr. Robertson felt that, unless there is no other way to solve the technical difficulties involved, a listing of states in the Preamble should be avoided. He suggested as an alternative, since the states would in any event be enumerated in the signatures at the end of the Charter, that there be a membership clause, defining the original members as those ratifying the Charter on or before a certain date.

Mr. Nieto del Río expressed a preference for the listing of states at the beginning, not only because this is customary, but also because a membership clause such as that suggested by Mr. Robertson would tend to discriminate against the more democratic countries whose constitutional procedures take longer.

The Chairman suggested that the question of the governing words of the Preamble be considered later at the time when the Preamble itself is under discussion, and that the Committee address itself to two questions:

(1) whether there should be a separate establishment article;

(2) the language of the establishment clause, whether a separate article or part of the Preamble.

The Secretary stated that the Jurists had strongly favored a preliminary article, on the grounds that the establishment of the Organization is a separate question from the acceptance of the Charter, and of such fundamental importance as to justify separate treatment.

Mr. Pelt expressed the hope that the governing words of the Preamble might be revised to take care of the constitutional difficulty faced by the Netherlands Delegation, which formally represents the government of the Netherlands, rather than its people.

Mr. Jebb referred to the fact that there was no establishment article in the League of Nations Covenant, and asked whether this had been taken care of in the Treaty of Versailles, or by some other means. Mr. Golunsky stated that the Jurists Committee had unanimously agreed that it was important to have an establishment article, even though there had been none in the League Covenant. On the question of whether this should be a part of the Preamble or a separate article, a majority of the Jurists were of the opinion that there is a legal difference between the Preamble and the instrument itself; in view of the importance of the question of establishment, it was felt that it deserved a place in the Charter, where it would have more legal force than as a part of the Preamble. So far as the constitutional difficulty of the Netherlands is concerned, this might be met by a slight change in the last sentence of the Preamble so as to read: "Through the representatives of our governments assembled at San Francisco".

Mr. Bailey expressed the view that two things are included in the general notion of a preamble:

(1) a recital of the circumstances leading to a constitutive act; and

(2) a declaration of the constitutive act itself.

The second he felt, would include both the acceptance of the Charter and the establishment of the Organization. He therefore suggested that the two be linked together, so that the governing words would read: "We, the Peoples. . .do hereby establish an international organization to be known as the United Nations and agree to the present Charter of the United Nations". So far as the legal force of a preamble is concerned he felt that this is viewed differently by different legal systems, his own view being that the present Preamble corresponds more closely to the enacting words of an English statute. Mr. Nieto del Río agreed with Mr. Bailey, and felt that the Preamble must be considered an essential part of the Charter.

The Chairman requested that all members give some thought to the problem of the Preamble which, in accordance with the previous decision of the Committee, would be discussed after the rest of the Charter is in chapter form. Mr. Bailey suggested that, in this connection, members consider ways and means of avoiding listing the countries represented which, in his view, would make the Preamble too formidable in size and tend to nullify its value as a concise statement of the frames of ideas set forth in the Charter.

The Committee agreed to thank the Jurists Committee for their valuable suggestions, and to defer consideration of the matter until the rest of the Charter is in chapter form.

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## Article 58

The Secretary called attention to the change in the order of the four nouns following "distinction" in subparagraph (c). He also suggested that a comma be inserted in the first paragraph, following the word "nations". The Chairman made the further suggestion that present subparagraph (b) be split up into two subparagraphs.

There was considerable discussion of the phrase "observance of", as used in subparagraph (c), and the problem of rendering an adequate translation into other languages. Several members suggested that the distinction in the English text between "respect for" and "observance of" was itself unclear. Mr. Papanek felt that there was a distinction, and that "observance" implies an obligation to change the laws of one's own country to implement this article, whereas "respect" merely means respecting the laws of other countries in this regard. Mr. Liang agreed and suggested that, unless there were strong objections, the article should be left unchanged. The Secretary stated that the Technical Committee's intent had been to reinforce "respect", which has the connotation of passive acceptance, by "observance", which is intended to imply active implementation.

Mr. Bailey stated that this clause was originally put forward by his Delegation, and felt that the previous speakers and the Secretary had correctly interpreted its intent. Personally, however, he was not satisfied with the word "observance" and proposed to consult the other members of his Delegation in an attempt to find a suitable alternative. Meanwhile he suggested that the Committee defer consideration of this point and come back to it again at the time of the second reading.

Mr. Robertson felt that the principal difficulty lay not so much in the words "respect" and "observance" but in the very general statement of the thing to be respected and observed, which might more appropriately appear in the Preamble. Mr. Golunsky commented that, in effect, this article does form a sort of preamble to the chapter on the Economic and Social Council.

> The Committee agreed to accept Mr. Bailey's suggestion to reconsider the phrase "and observance of" at the time of the second reading. Article 58 was provisionally approved with the verbal changes previously suggested by the Secretary and the Chairman, and the words "this function" in the last sentence changed to "these functions", at the suggestion of Mr. Robertson.

Consideration of two further suggestions by Mr. Papánek and Mr. Bailey respectively, regarding the elimination of the enumeration of the subparagraph as (a), (b), and (c), in the interests of consistency of form, and the alteration of the word "nations" to "states" in this and other articles, was deferred until such time as the Charter can be examined as a whole.

Article 59

The Secretary called attention to the fact that this was proposed as a separate article, instead of paragraph 2, as proposed by the Technical Committee, which in turn necessitated a change in the reference to purposes.

Mr. Robertson raised the question whether there is a distinction between the words "undertake", "agree", and "pledge", the last of which is used in the present article. The Secretary stated that "pledge" had been used advisedly, with the view that it was the strongest word of the three. Mr. Golunsky pointed out that "undertake" is appropriately used for specific obligations, whereas "pledge" is appropriate for a general obligation such as the present article. Mr. Bailey felt that the retention of this distinction would be useful, and that the word "pledge" would have the further advantage of convenience of reference.

Article 59 was provisionally approved without change.

Article 60

Mr. Bailey questioned the force of the word "various", which might be construed in the sense of "diverse", as precluding relationships with several organizations of the same kind. Mr. Liang stated that one interpretation might be that "various" is a general term which is made more specific by the enumerated fields. Mr. Robertson felt that the addition of the definition beginning "having wide international responsibilities" made the word "various", as used in the original Dumbarton Oaks Proposals, unnecessary.

Mr. Jebb had no objection to the retention of "various", but proposed a further amendment, to eliminate the words "intergovernmental" and "having", and to insert after "agencies" the words "established by intergovernmental agreement (or action) for the purpose of discharging". Mr. Gavrilovic suggested that this might be simplified to "established by intergovernmental agreement and having", which was accepted by Mr. Jebb.

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Mr. Golunsky felt that the word "intergovernmental" as originally used adequately covered this amendment. The Chairman agreed that the sense was not altered by Mr. Jebb's amendment, as the "basic instruments", referred to later in the article, would necessarily be intergovernmental. Mr. Papánek disagreed and felt that "basic instruments" might possibly be, semi-intergovernmental.

Mr. Pelt commented that Mr. Jebb's amendment was entirely in accord with the report of the Technical Committee. Mr. Liang referred to the Interparliamentary Union as an example of a semi-intergovernmental organization, and felt that Mr. Jebb's amendment would serve to clarify the question.

Mr. Bailey questioned whether the phrase "as defined in their basic instruments" related to the phrase "having wide international responsibilities". Mr. Gideonse, the Secretary of the Technical Committee, explained that the intent was to indicate that the functions of specialized organizations which were already set up, as defined in their basic instruments, would not be infringed upon by the new Organization.

Mr. Liang questioned whether the word "wide" modified "international" or "responsibilities" or both. Mr. Gideonse, the Secretary of the Technical Committee, stated that it was intended to indicate that less than universal organizations, such as bilateral or regional organizations, might be brought into relationship at the discretion of the Economic and Social Council, but would not necessarily have to be. Mr. Gavrilovic commented that "wide" related to the substantive phrase "international responsibilities"; Mr. de la Colina agreed and pointed out that otherwise a comma would be inserted after "wide".

Mr. Bailey suggested that, if the word "wide" really means multilateral, as suggested by the Secretary, this is different from its usual meaning and not clear from the context. Mr. Jebb suggested the substitution of the word "worldwide".

The Chairman felt that the question whether "wide" was intended in the sense of responsibility or geography required clarification and asked the Secretary to consult further with the Technical Committee on this matter.

> *The Committee agreed to retain the word "various" and to accept the amendment proposed by Mr. Jebb and modified by Mr. Gavrilovic, subject to the views of the Jurists Committee. Further consideration of Article 60 was deferred, pending a report by the Secretary on the clarification of the word "wide".*

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## Article 60x

Mr. Robertson questioned the use of the words "initiate recommendations", as not being the typical method by which a new international organization is established, which is usually by conference. Mr. Bailey raised the further question whether new agencies would be brought into relationship with the Organization in accordance with Article 60 which, as previously interpreted by the Secretary of the Technical Committee, applied to organizations already in existence. The Chairman stated that there was no doubt that both existing and future organizations were intended to be brought into relationship in the same manner.

Mr. Jebb suggested that, instead of "initiate negotiations", some such phrase as "take the necessary steps to establish" be employed. Mr. Golunsky objected on the grounds that this would imply that the Organization itself, rather than the states concerned, might create new specialized organizations. Mr. Robertson supported Mr. Jebb's suggestion and felt that it should be read in relation to Article 58, which enjoins the Organization to discharge a member of functions. Mr. Bailey pointed out that the retention of the words "the states concerned" was desirable, since this would include states not members of the Organization, as some existing specialized organizations already do.

The Chairman expressed the view that "negotiations" is to be interpreted broadly as including conferences, other diplomatic means, and even negotiations in the Assembly itself, particularly if read in relation to Article 58. Mr. Robertson felt that, if Article 58 clearly governs, the present article might be unnecessary. The Chairman stated that, unless articles were clearly overlapping, which was not the case here, questions of this sort could not be decided finally until the Charter as a whole is examined.

Article 60 was provisionally approved without change.

The meeting adjourned at 1 p.m., to meet again June 13, 1945, at 3:30 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 314 (ENGLISH)
CO/126
June 14, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF EIGHTEENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 13, 1945, 3:45 p.m.

The following members were present:

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|---|---|
| Australia | Paul Hasluck |
| Brazil | Antonio Camillo de Oliveira |
| Canada | N. A. Robertson |
| Chile | Felix Nieto del Río |
| China | Yuen-li Liang |
| Czechoslovakia | Jan Papánek |
| France | Jacques Fouques-Duparc |
| Iran | Ali Akbar Siassi |
| Mexico | Rafael de la Colina |
| Netherlands | Adrian Pelt and Father L. J. C. Beaufort |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | H. M. G. Jebb |
| United States | Leo Pasvolsky |
| Yugoslavia | Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 3:45 p.m.

Mr. Pasvolsky requested the Secretary to report at the next meeting of the Committee on Delegation assignments to the Commission of Linguists. He also reported that the Advisory Committee of Jurists had studied Articles 74, 75, 76, 77X, 78, and 82, and asked the Secretary to present the revised texts to the Committee.

### Articles 74 and 75

The Secretary reported two changes: substitution of "United Nations" for "Organization" in both articles, and alteration of the expression "this Charter" to "the present Charter" in Article 74.

Mr. Robertson remarked that under Article 74 it was mandatory to register treaties entered into by a member after the Charter came into force. He asked if a permissive

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interpretation were implied, that the Secretariat might receive other treaties for registration. Mr. Golunsky assured him that this was the case.

Mr. Fouques-Duparc called attention to the fact that Article XI of the Covenant made provision for the immediate registration of treaties and suggested that the phrase "as soon as possible" in the article under discussion was too mild. Mr. Golunsky said that Committee IV/2 had spent two hours discussing this point.

Mr. Robertson suggested that the two articles might be made two numbered paragraphs under one article, in which case, he added, the reference to Article 74 in Article 75 would have to be changed to "paragraph 1 above".

> The Committee agreed that Articles 74 and 75 should become two numbered paragraphs under one article.

### Article 76

The Secretary reported that both English and French texts had been established by the Advisory Committee of Jurists, with the English as follows:

> "In the event of a conflict between the obligations of the members of the United Nations under the present Charter and any other international obligations to which they are subject, their obligations under the present Charter shall prevail."

Mr. Liang asked if the modification would be acceptable to the Technical Committee concerned.

Mr. Golunsky stated that he could speak as a member of the Subcommittee of Committee IV/2, which had drafted the original text, and as member of the Advisory Committee of Jurists. He said that the word "agreement" had two meanings: (1) in a technical sense, special instruments other than treaties; and (2) in a general sense, all sorts of international agreements. In his opinion, Committee IV/2 had used the word in its general sense. Consequently, he felt that the language in Article 76 was in conformity with the decision of Committee IV/2. Two full meetings of Committee IV/2 had been spent on this point in attempting to decide which international agreements should be registered and which should not. The Committee had concluded that it was impossible to make such a decision in advance, he said, and therefore wished to leave it for the Security Council and the Assembly to establish the practice.

Mr. Liang felt that the new wording would widen the sense and again questioned whether the Technical Committee had meant this. Mr. Pasvolsky said that the Technical Committee had wished to contrast obligations assumed under the Charter with any other obligations because this distinction was particularly important for non-member, third-party states. He called upon Mr. Dickinson, Secretary of Committee IV/2, to report.

Mr. Dickinson read the following paragraph from Committee IV/2's report:

> "The Committee has considered that in the event of an actual conflict between such obligations and the obligations of members under the Charter, particularly in matters affecting peace and security, the latter may have to prevail. The Committee is fully aware that as a matter of international law it is not ordinarily possible to provide in any convention for rules binding upon third parties. On the other hand, it is of the highest importance for the Organization that the performance of the members' obligations under the Charter in specific cases should not be hindered by obligations which they may have assumed to non-member States. The Committee has had these considerations in view when drafting the text. The suggested text is accordingly not limited to pre-existing obligations between members." (Doc. WD 269, IV/2/42, p.6)

He added that if the sense of Article 76 were broadened to include obligations under international law, the change would be one of substance.

Mr. Golunsky said that Committee IV/2 had felt the Charter itself should be the prevailing source of international law, not only for conventions, but also for other obligations.

> The Committee agreed to refer Article 76 to the officers of Committee IV/2 for their opinion as to whether the new language involved a change of substance.

### Article 77X

The Secretary reported that the term "Organization" had been changed to "United Nations".

> The Committee approved Article 77X without further change.

### Article 78

The Secretary reported the following changes: "United Nations" for "Organization" in paragraphs 1 and 3; and "United Nations" for "Organization" as it first appeared in paragraph 2, but not for its second use therein.

Mr. Pelt asked if the exclusion of non-member states from the privileges and immunities mentioned in paragraph 2, was intentional. Mr. Pasvolsky replied that these privileges would be enjoyed at the seat of the Organization, not in the territory of member states.

There was some discussion of possible ambiguity with respect to the term "United Nations". The Secretary reported that the Jurists Committee had decided to use the term "United Nations" as much as possible, since it had been adopted as the name of the Organization. It had agreed, however, to use the alternate expressions, "Organization" or "United Nations Organization" in passages where language difficulties made the meaning ambiguous.

Mr. Jebb asked if the question had been considered of using the word "The" with a capital in order that the name might read "The United Nations". The Chairman said that this question had not yet been discussed, and suggested that the word "Organization" be used throughout Article 78 in order to avoid ambiguity.

> The Committee adopted the three paragraphs of Article 78 with the understanding that the term "Organization" would be used throughout the Article in place of the term "The United Nations".

Article 82

The Secretary reported that an "s" should be added to the word "ratification" in paragraph 2, and that paragraph 3 should be changed to read as follows:

> "As soon as ratifications have been deposited by each of the states entitled to permanent membership in the Security Council and by a majority of the other signatory states, a Protocol of such deposits will be drawn up, and the Charter will come into force for the said states on the date of such Protocol."

Mr. Jebb asked if it were intended that the ratifications were to remain in the possession of the United States or if they were to be transferred to the seat of the Organization. The Secretary of Committee IV/2 reported the Committee's decision that the ratifications should be deposited with the Government of the United States in accordance with usual diplomatic practice. The Committee had also anticipated that other provisions would be made by the Steering Committee.

Mr. Papánek suggested that after the Secretary-General had been appointed, the ratifications might be forwarded to

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him according to agreements with respect to the Interim Commission.

Mr. Pasvolsky stated that the provisions of the Interim Commission applied only to the archives and not to the ratifications. He remarked that the Coordination Committee might make a recommendation on this matter to the Steering Committee and asked for suggestions.

Mr. Fouques-Duparc said that it would be better to leave the ratifications with the United States because it was not a good thing, in general, to move archives. He suggested that the following phrase be added at the end of paragraph 2: "as well as the Secretary-General of the Organization when the Organization has come into force".

Mr. Golunsky suggested the phrase "when he has been elected" in place of "when the Organization has come into force," because the Secretary-General might not be elected until after the Organization had come into being.

In respect to the drawing up of a Protocol, as mentioned in paragraph 3, Mr. Pasvolsky asked whose responsibility this was to be and what the nature would be of the Protocol. Mr. Jebb expressed dissatisfaction with geological connotation of the expression "such deposits".

Mr. Golunsky said that the United States should draw up the Protocol as a document to establish definitely the date when the Charter had been ratified by a sufficient number of governments.

Mr. Fouques-Duparc asked if it were not an improper limitation to state that the Charter would come into force only for the states which had ratified it. He said that non-member states also had certain rights under the Charter.

Mr. Liang suggested that the proper interpretation would be that the ratifying states would become members of the Organization when a sufficient number of governments had ratified the Charter, not that the Charter would come into force.

Mr. Pasvolsky stated that when the Charter came into force its provisions with respect to non-member states also took effect. This meant, he said, that states which had signed the Charter at San Francisco but had not yet ratified the Charter at the time when a sufficient number of states had ratified it, would hold the status of non-member states. Therefore the states bound by the Charter would be only those which were members. As each state thereafter ratified the Charter, he said, it would become a member and assume full rights and responsibilities.

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Mr. Camillo de Oliveira remarked that the question of the coming into force of the Charter would be theoretical, in any case, until after the first meeting of the Assembly. He called attention to the fact that the Charter would come into effect before the Organization itself.

Mr. Pasvolsky said that the Protocol would be a document by which the United States would certify that the Charter had been ratified by the necessary number of states. He asked the Secretary to formulate a new text along these lines:

> "As soon as the Government of the United States has given notification of the ratification of the Charter by China, France, the Union of Soviet Socialist Republics, The United Kingdom and The United States of America, and by a majority of the other signatory states, the said states shall become members of the Organization."

Mr. Robertson remarked that a similar change would be required in paragraph 4.

> The Committee referred Article 82 to the Secretary with the request that he formulate a new text incorporating the changes suggested at this meeting.

## Article 61

The Secretary reported that the new text of Article 61 had been approved informally by the Chairman and the Secretary of Committee II/3.

Mr. Nieto del Río asked if in paragraph 1 it was proper to state that the Council should consist of 18 "members" or whether the term "representatives" should be used.

The Secretary reported that the Jurists Committee had decided, in respect to the general question of whether individuals or states were to be members, that states should be considered members.

Mr. Hasluck suggested that paragraph 4, on voting procedure, should be made into a separate article, in conformity with the style in other sections of the Charter.

> The Committee agreed that paragraph 4 of Article 61 should be made a separate article.

After considerable discussion of paragraph 3, the Committee agreed on the interpretation that the arrangements to be made by the Assembly would have to be completed before the first election of the members of the Economic and Social Council.

The Committee approved paragraph 1 of Article 61 with the substitution of the phrase "in accordance with" for "according to", and with the insertion of a comma after the phrase "at the end of two years".

In the discussion of paragraph 2 there were objections to the phrase "at any time" on the grounds that it was redundant and ambiguous in its reference. It was felt, for instance, that as paragraph 2 now stood, a member might be eligible at any time but not reelected at any time.

The Committee accepted the Secretary's suggestion to use the following language in paragraph 2 in conformity with that of Article 23: "A retiring member shall be eligible for immediate reelection."

The Committee approved Article 61 in accordance with the above changes.

Article 62

In considering the introductory statement, Mr. Papánek suggested that the word "having" might be omitted.

Mr. Pasvolsky requested the Secretary to enumerate specifically the references to other articles where the additional functions of the Economic and Social Council were stated.

Mr. Golunsky suggested that the list of the Council's powers in Article 62 might be grouped together according to type, as were the powers of the Security Council in Chapter VII. As another alternative he suggested that the 11 functions might be listed separately in 11 articles, with the repetition of the phrase "The Economic and Social Council shall" for each article.

Mr. Liang objected to the "a, b, c" style of the text.

Mr. Fouques-Duparc stated that Article 62 should be made to conform with the groupings of powers in Article 58.

Mr. Hasluck drew attention to a possible conflict between Article 62 and Articles 63 and 63X.

Mr. Pasvolsky suggested the possibility of dividing the whole of Chapter IX into two chapters.

The Committee agreed to refer Article 62 to the Secretary for revision in the light of discussion at this meeting.

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The Chairman announced that the next meeting of the Committee would be at [illegible]:30 a.m. on June 14.

The meeting adjourned at 5:55 p.m.

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*The United Nations Conference*
*on International Organization*

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WD 343 (ENGLISH)
CO/134
June 15, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF NINETEENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 14, 1945, 10:45 a.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Antonio Camillo de Oliveira
Canada -- N. A. Robertson
Chile -- Felix Nieto del Río
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Charles Chaumont
Iran -- Ali Akbar Siassi
Mexico -- Rafael de la Colina
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. A. Golunsky
United Kingdom -- A. D. K. Owen
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 10:45 a.m.

The Secretary, Mr. Darlington, read a brief report on the status of the Chinese, Russian, and Spanish language panels, which are in the process of being organized. It is expected that work will start immediately on the task of comparing the five language versions of the Court Statute.

### Chapter IX

Discussion was commenced of the revision of Chapter IX prepared by the Secretariat following the discussion of the eighteenth meeting (CO/120).

### Article 58

The Secretary called attention to two language changes: (1) the substitution of "the United Nations" for "the Organization" here and throughout the Chapter; (2) the omission of the word "other" before "related" in subsection (b) and elsewhere.

Mr. Robertson agreed that the omission of "other" was logical, and made the further suggestion that subsections (a), (b), (c), and (d) be set out as separate paragraphs. Mr. Nieto del Río suggested that it would be preferable from the standpoint of the general presentation of the document to employ the numbers "(1), (2), (3), and (4)" rather than the letters "(a), (b), (c), and (d)". Mr. Gavrilovic suggested that there be no enumeration by either letters or numbers.

Mr. Golunsky expressed doubts about the wisdom of the Committee's previous decision to make (b) and (c) separate paragraphs. In his view, "international cultural and educational cooperation" is also a related problem and might better be made part of (b), with the insertion of the word "including" after "problems". Mr. Liang disagreed, and felt that this would change the intent of the Technical Committee, as expressed by their use of a semicolon to separate the two phrases. In his view, the nature of cultural and educational cooperation is not the same as the "related problems" envisaged in (b) and, in any case, (b) would become too long and unwieldy if the two were combined. He therefore favored the retention of (c) as a separate paragraph, as previously agreed.

Mr. Bailey supported Mr. Liang's views for the reasons given, emphasizing that the present (c) does not deal with the solution of problems but states objectives of advantage in themselves, Mr. Gideonse, the Secretary of Committee II/3, explained that although at one stage of the deliberations, cultural and educational cooperation had been made a separate subparagraph, the Technical Committee had finally decided to include it in subparagraph (b), so as not to emphasize unduly the importance of cooperation in these fields as compared with other fields.

The Chair suggested as an alternative the addition to (b) of the words "and the problems arising out of international cultural and educational cooperation". Mr. Golunsky supported this suggestion and felt that, at present, cultural and educational cooperation is still a problem, arrangements for which remain to be made. If put in a separate paragraph, there might be an implication that the Economic and Social Council was to carry out such cooperation, which would be impossible.

Mr. Siassi agreed with Mr. Liang and Mr. Bailey that paragraph (c) should be retained as a separate paragraph, in order not to subordinate too much the important aim of cultural and educational cooperation, which he personally had hoped would receive even greater recognition in the Charter. Mr. Chaumont also agreed, and referred to the importance which France has always attached to the idea of intellectual cooperation as evidenced by its announced intent to reconstitute the institute of this name.

Mr. Robertson suggested that the sense of the Technical Committee could be preserved if the previous suggestion to omit all enumeration of the subsections, either by letter or number, were adopted. He raised the further question whether in the present subsection (b), the word "international" clearly modifies "related problems", or whether the Technical Committee intended to include national problems, which are in many cases clearly related. The Chairman suggested that the ambiguity might be removed by the addition of the words "of international character" following "problems". Mr. Pelt pointed out that the Technical Committee's report made it clear that no authority to intervene in the domestic affairs of members was intended to be granted.

Mr. Siassi called attention to the difference between the French and English texts, the former of which employs different verbs in subsections (b) and (c). Mr. de la Colina stated that this apparent difference was more than superficial and served to reveal the basic lack of clarity in the English text, particularly subsection (b), which fails to state a positive objective other than "solutions", which may be either good or bad. Mr. Chaumont agreed, and felt that two different ideas were involved, which were set forth more clearly in the French than in the English text; since both French and English are the working languages of the Conference, the French text could equally well be used as the basis for coordinating the English.

Mr. Bailey supported Mr. Robertson's suggestion to eliminate all enumeration, and further commented, with regard to Mr. Robertson's second point, that the word "international" clearly qualifies the word "related". In his view, the problems themselves are international in scope, though the solution may often be for members to take separate national action.

Mr. Golunsky proposed that, instead of his previous suggestion regarding "including", the words "as well as" be employed. He suggested that the remarks of the previous speakers demonstrated that the Committee was faced with two texts, rather than one, and might proceed by submitting both to the officers of the Technical Committee, in order to determine which better expressed their intent.

Mr. de la Colina, Mr. Owen, and Mr. Siassi expressed agreement with Mr. Robertson's proposal to eliminate all enumeration. Mr. Robertson added that, in accordance with Mr. Golunsky's suggestion, this might be submitted as a third text.

The Committee agreed that the Secretary should consult the officers of the Technical Committee with regard to the various alternatives mentioned in the course of the present discussion.

Articles 59, 60, 61, and 62

Mr. Robertson raised two questions: (1) the distinction between "functions", as employed in Article 59, and "purposes", as employed in Article 60; (2) whether "these functions" in Article 59 should not be replaced by "the functions" set forth in Article 58. Mr. Hasluck (Australia) suggested a more basic rearrangement of the Chapter, with present Article 60 made Article 59, and present Articles 59, 61, and 62 following under a new side-heading; in this way, the two general articles dealing with the purposes and the pledge would be grouped together, and would be followed by the more detailed articles dealing with arrangements.

Mr. Gavrilovic agreed that present Article 60 should precede present Article 59 and suggested that, if this is done, the latter should be amended to read "for the discharge of these functions by the Organization". The Chairman suggested the words "for the discharge of the Organization's functions in the field of economic and social cooperation".

Mr. Golunsky suggested that it would be more logical to put present Article 59 at the end rather than the beginning of the Chapter. The Chairman felt that this would be feasible, provided that an appropriate change is then made in present Article 61.

Mr. Hasluck reiterated his previous suggestion that present Articles 58 and 60 be grouped together, and felt that the remaining articles might well go in the following chapter. The Chairman disagreed, and expressed the view that the five more general articles should be retained in Chapter IX, with the articles relating specifically to the Economic and Social Council in Chapter IX (X), as in the present draft.

Mr. Robertson supported Mr. Golunsky's proposal to put Article 59 at the end of Chapter IX and suggested that, if this is done, the words "between the Economic and Social Council and" be deleted from Article 61, and the word "with" inserted before "the appropriate authorities". The Chairman commented that this would require further redrafting of the latter part of Article 61, and the insertion of the deleted material at an appropriate place in the following Chapter.

Mr. Gavrilovic felt that the proposed rearrangement would involve a change of substance in Article 59, unless it were clear that the word "Organization" in Article 62 means the General Assembly. Mr. Hasluck raised a further point regarding the possible relationship between Article 59 and the provisions on trusteeship to be inserted in the Charter. The Chairman suggested that both these points could be taken care of if Article 59 were amended to read, "Responsibility for the discharge of the Organization's functions as set forth in this Chapter. . .".

> The Committee agreed to accept the latter suggestion of the Chairman regarding the language of Article 59. It was further agreed that Article 59 should be placed at the end of Chapter IX, and Article 61 amended in accordance with Mr. Robertson's suggestion. The Secretary was directed to prepare a further draft of the latter part of Article 61, and to insert an appropriate reference to the deleted material in Chapter X.

Several members criticized the present title of Chapter IX, and felt that the words "arrangements for" might be deleted. It was agreed that all titles should be examined at a later stage in terms of the Charter as a whole.

## Chapter IX (X)

### Article 63

Article 63 was provisionally approved without change.

### Article 64

The Secretary referred to the necessity of finding appropriate verbs for each of the articles under the subheading "Functions and Powers", now that these were no longer treated as subparagraphs governed by the same general formula. Mr. Golunsky questioned whether the words "is empowered" in the beginning of Article 64 implied that it was obligatory for the Economic and Social Council to carry out the recommendations of the General Assembly, whereas the use of "may" later on in the Article implied that it could exercise discretion in making recommendations of its own.

The Chairman agreed that this point requires clarification, and questioned the propriety of including both provisions in the same Article. In his view, the latter part of Article 64 is more closely related to Article 65. Mr. Hasluck agreed that present Article 64 contains two quite distinct ideas which should be separated.

Mr. Robertson pointed out that the Technical Committee had discussed at some length, without resolving, the question what operative functions the Council would need to "carry out" the Assembly's recommendations. The Chairman felt that this question should also be discussed with the officers of the Committee.

Mr. de Alencar Netto, the Representative of Brazil, was recognized at the request of Mr. de Oliveira and reiterated the point previously raised by the Secretary regarding the use of the verbs "is empowered", "may", "shall", and the like in the present draft. He emphasized that in many cases, and particularly in Article 70, these did not properly express the Committee's intent and would have to be examined with great care. The Chairman agreed that this would be done.

Mr. Siassi referred to the previous discussion of the translation of the words "and observance of". Mr. Chaumont suggested that, instead of nouns, the verbs "affirmer" and "assurer" might be employed in the French text. He also suggested that the word "universal" be inserted before "respect" in order to make the language of the present article conform to that of Article 58. It was agreed to discuss this question at a later time. Mr. de Oliveira announced that he had a further suggestion to offer at that time.

The Chairman suggested that it might be necessary to add to Article 64 after "carry out" the words "and is empowered to perform the functions enumerated in this Chapter", and insert the remainder of present Article 64 in a later article such as Article 70. Another alternative might be to have the enumerated powers stated first, followed by a reference to the powers given the Economic and Social Council elsewhere at the end of the Chapter.

The Committee agreed that the Secretary should be asked to consult the officers of the Technical Committee with regard to the use of the words "is empowered" and the clarification of the words "to carry out", as used in Article 64. It was further agreed to invite the Chairman and Rapporteur of the Technical Committee to be present at subsequent meetings of the Coordination Committee.

The meeting adjourned at 12:55 p.m. to meet again Thursday, June 14, at 3:30 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
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June 15, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTIETH MEETING OF THE COORDINATION COMMITTEE

Opera House, Room 418, June 14, 1945, 3:45 p.m.

The following members were present:

| | |
|---|---|
| Australia | K. H. Bailey |
| Brazil | Antonio Camillo de Oliveira |
| Canada | N. A. Robertson |
| Chile | Felix Nieto del Río |
| China | Yuen-li Liang |
| Czechoslovakia | Jan Papánek |
| France | Charles Chaumont |
| Iran | Ali Akbar Siassi |
| Mexico | Rafael de la Colina |
| Netherlands | Adrian Pelt |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | A. D. K. Owen |
| United States | Leo Pasvolsky |
| Yugoslavia | Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 3:45 p.m.

The Chairman presented to the Committee the Chairman of Committee II/3, Sir A. Ramaswami Mudaliar, and the Rapporteur, Mr. Noriega Morales.

Discussion of Chapter IX as revised by the Secretariat was continued.

### Articles 64 and 65

The Chairman summarized briefly certain questions which had arisen in connection with Article 64 during the Committee's discussions at its previous meeting and there followed a discussion of these questions in the light of comments offered by Sir Ramaswami Mudaliar.

It was generally agreed that the words "in addition to the functions enumerated elsewhere", in lines 1 and 2, were out of place in Article 64 and should be deleted, the question of whether they might possibly be inserted elsewhere being reserved.

Sir Ramaswami Mudaliar expressed the opinion that it would be preferable to detach the last two and a half lines from Article 64. He pointed out that the second part of Article 64 related to action to be taken by the Economic and Social Council on its own initiative while the first part of the article related to action to be taken by the Council in connection with the General Assembly. A proposal by Mr. Pelt that the first part of Article 64 should form an independent article was accepted.

In response to a comment by Mr. Liang that it was not clear in the Dumbarton Oaks Proposals to whom the "recommendations of the General Assembly" were to be addressed, Mr. Pasvolsky explained that at Dumbarton Oaks the intention had been that the Assembly would make recommendations to governments or to specialized organizations or agencies but would not make recommendations to the Economic and Social Council. Sir Ramaswami Mudaliar stated that this had likewise been the understanding of Committee II/3.

The question was raised whether, in the opinion of Committee II/3, the word "empowered" meant that the Council's functions in carrying out recommendations of the General Assembly were of a mandatory or discretionary nature. Sir Ramaswami Mudaliar explained that the word "empowered" allowed for a certain elasticity in this matter but that he would not object to the use of the word "shall" in place of "empowered".

Mr. Pasvolsky suggested that the first part of Article 64 might be rephrased somewhat as follows:

> "The Economic and Social Council shall perform such functions as may fall within the sphere of its responsibility in connection with the carrying out of the recommendations made by the General Assembly."

He later suggested a slight rephrasing as follows:

> "The Economic and Social Council shall perform such functions in connection with the carrying out of the recommendations made by the General Assembly as may fall within the sphere of the Council's responsibilities."

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Mr. Fouques-Duparc indicated that the French texts of these proposals offered certain difficulties.

> Decision: The Committee decided that the first part of Article 64 should constitute a separate part and should be rephrased along the lines of the proposals advanced by Mr. Pasvolsky, it being understood that English and French texts would be worked out.

Mr. Pelt proposed that the second part of Article 64 be combined with the second part of Article 65, the first part of Article 65 forming a separate article. He also proposed that the second part of Article 69 form a separate article and be placed after the existing Article 65.

The Committee agreed to delete, as superfluous, the words "on its own initiative" in line 5 of Article 64 and line 4 of Article 65.

A suggestion by Mr. Robertson that the word "initiate" in the first line of Article 65 be deleted met objection. Sir Ramasvami Mudaliar explained that Committee II/3 in recommending that the Economic and Social Council "shall make or initiate studies and reports" had in mind that the Committee might make such studies and reports itself or might request other agencies or individuals to undertake this work. After several alternative phrases were suggested without meeting general acceptance it was agreed that the word "initiate" should remain in the text until a better expression could be worked out.

Sir Ramasvami Mudaliar, in response to a question, said that in Committee II/3's opinion, the "recommendations" mentioned in the latter part of Article 64 were to be made to the same states and organizations as the "recommendations" mentioned in the latter part of Article 65.

Mr. Pasvolsky suggested that the new Article 65 might read somewhat as follows:

> "The Economic and Social Council is empowered to make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters, and in order to assure respect for, and observance of, human rights and fundamental freedoms."

He indicated that the new Article 66 might be phrased along the following lines:

> "The Economic and Social Council is empowered to make recommendations to the General Assembly, to the members of the United Nations, and to specialized organizations or agencies concerned, with respect to international economic, social, cultural, educational, health, and related matters, and to the promotion of respect for, and observance of, human rights and fundamental freedom."

Decision: The Committee agreed that the second part of Article 64 should be combined with Article 65 so as to form two articles along the lines of the suggestions of Mr. Pasvolsky.

### Article 66

The Committee agreed to change "shall" in line 1 to "is empowered" and to insert "other" before "specialized organizations" in line 3.

Decision: The Committee accepted Article 66.

Mr. Robertson, noting that the expression "other specialized organizations or agencies" appeared several times in the draft articles, suggested that consideration might be given to inserting after the phrase, the first time it appeared, the words "hereinafter called specialized agencies". Thereafter the phrase "specialized agencies" alone might be used.

### Article 67

It was agreed that the word "shall" in line 1 should be changed to "shall have power to".

In connection with the second sentence, Mr. Golunsky raised the question whether the words "shall have power to obtain" would imply a duty on the part of the Council to ensure that the members of the Organization made reports. He pointed out that the members were not obligated to make reports. Sir Ramaswami Mudaliar informed the Committee that Committee II/3 had rejected the word "request" in favor of "obtain". In Committee II/3's view, while the Council could not demand a report it should not passively wait for a report to be presented but should use all reasonable means to ensure that it was presented. Mr. de Freitas Valle suggested that the use of the word "obtain" might offend some governments, and so lead to lessening cooperation with the Council. Mr. de la Colina felt that the Committee should not through redrafting deviate from the substance of the technical committee's draft. Various alternative phrases were proposed such as "shall have the power (or be qualified) to arrange for the obtaining of reports".

Mr. Pasvolsky suggested that the article might be redrafted somewhat as follows:

> "The Economic and Social Council is authorized to make arrangements with the other specialized organizations or agencies for obtaining from them regular reports. It shall also be authorized to make arrangements with the members of the United Nations and the specialized organizations or agencies for obtaining reports . . . ."

Decision: The Committee agreed tentatively to accept Article 67 as redrafted by Mr. Pasvolsky with the understanding that the draft text would be submitted to the Committee in written form at its next meeting.

### Article 68

In connection with the concluding words of Article 68, "subject to the approval of the General Assembly", the question was raised whether it would be necessary to obtain such approval in every case. Sir Ramaswami Mudaliar explained that the phrase was intended to cover such cases as authority for financial obligations. Mr. Pasvolsky added that the Assembly in its discretion could give general authority for essential expenditures.

Decision: Article 68 was accepted without further discussion.

### Article 69

The Committee considered a proposal which had been made earlier by Mr. Pelt that the second sentence of Article 69 should become an independent article to be placed after Article 65. Mr. Pelt explained that this arrangement would be logical inasmuch as the power to prepare drafts is included in the general power to make reports, etc. The first sentence of Article 69, on the other hand, related to a different and very special matter.

Sir Ramaswami Mudaliar suggested that the first "may" appearing in the article should be changed to "shall have the power to". He accepted Mr. Pasvolsky's alternative suggestion of "is authorized to" and the Committee concurred in the change.

Decision: The Committee agreed that the second sentence of Article 69 should form a separate article to follow Article 65; and that the first sentence of Article 69 should form a separate article, it being left to the Secretariat to determine the proper place for it.

Mr. Pelt suggested that articles providing for services by the Council -- such as Articles 68 and 70 -- might be grouped together.

### Article 70

Sir Ramaswami Mudaliar felt that the first use of the word "shall" in line 1 of Article 70 would not be in accord with Committee II/3's views. The word implied that the Economic and Social Council was in a subordinate position to the Security Council, an implication which Committee II/3 did not wish to convey. Mr. Golunsky suggested that the fundamental question to be determined was whether the furnishing of information was a duty of the Economic and Social Council. Mr. Hasluck called the Committee's attention to Article 24 in which the word "shall" was used in somewhat similar circumstances in connection with the Assembly and the Security Council. Mr. Pasvolsky was of the opinion that for the effective functioning of the Organization the Economic and Social Council might accept the duty to furnish information. If the Economic and Social Council did not do so, he said, the Security Council would be forced to create its own organ for the purpose.

The discussion was broken off due to the lateness of the hour.

Announcements: The Chairman announced that the Committee had been asked to complete its examination of the Charter by Wednesday night. To meet this request, it will be necessary that the Committee meet on Sunday and that it begin its daily sessions at 10 a.m. and at 3 p.m. He added that it was possible that the afternoon meeting might extend into the evening.

He announced that the next meeting would be held at 10 a.m. on June 15 in Room 314 of the Veterans Building. He proposed that at that meeting the Committee continue with its discussion of Chapter IX, then take up Chapters I and VIII, and make a final examination of Chapters X and XIII.

The meeting adjourned at 6:40 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 345 (ENGLISH)
CO/135
June 15, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR THE COORDINATION COMMITTEE
## FOR FRIDAY, SATURDAY, AND SUNDAY, JUNE 15, 16. AND 17
Veterans Building, Room 314

**Friday, June 15**

| | |
|---|---|
| Chapter IX (X) | Consideration of the remaining articles. |
| " I | By individual articles. |
| " VII | " " " |
| " II | Whole chapter in English and French |
| " III | " " " " |
| " X | " " " " |
| " XIII | " " " " |
| " IV | " " " " |

**Saturday, June 16**

| | |
|---|---|
| Chapter I | Whole chapter in English and French |
| " V | " " " " |
| " VII | " " " " |
| " VIII | " " " " |
| " IX | " " " " |
| " IX (X) | " " " " |

**Sunday, June 17**

| | |
|---|---|
| Chapter VI | Whole chapter in English and French |
| " XI | " " " " |
| " XII | " " " " |
| " XIV | " " " " |
| " XV | " " " " |
| Preamble | " " " " |

**Monday, June 18, morning only**

Reserved as a cushion in the event that the above schedule is not met. Work on individual chapters, it is felt, should be completed by 1 p.m. Monday.

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*The United Nations Conference*
*on International Organization*

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WD 407 (ENGLISH)
CO/169
June 20, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-FIRST MEETING OF COORDINATION COMMITTEE

Veterans Building, Room 314, June 15, 1945, 10:10 a.m.

The following members were present:

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|---|---|
| Australia | Paul Hasluck |
| Brazil | Cyro de Freitas Valle |
| Canada | N. A. Robertson |
| Chile | Félix Nieto del Río |
| China | Yuen-li Liang |
| Czechoslovakia | Ján Papánek |
| France | Jacques Fouques-Duparc |
| Iran | Ali Akbar Siassi |
| Mexico | Rafael de la Colina |
| Netherlands | Adrian Pelt |
| Union of Soviet Socialist Republics | S.A. Golunsky |
| United Kingdom | H.M.G. Jebb |
| United States | Leo Pasvolsky |
| Yugoslavia | Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 10:10 a.m.

### CHAPTER IX

Article 70 (formerly Art. 62, para. j and k)

Discussion was resumed of Article 70 (CO/120).

Sir A. Ramasvami Mudaliar, Chairman of Committee II/3, explained that the intent of the Committee, with regard to paragraph 1, had been to provide that it is mandatory for the Economic and Social Council to assist the Security Council upon the request of the latter and permissive for the Economic and Social Council to volunteer information if there is some situation within its cognizance involving a threat to the peace.

Mr. Golunsky suggested that paragraph 2 be made a separate article, since it expresses quite a different idea from paragraph

Sir Ramaswami agreed that this was the Committee's intent.

The Committee accepted Sir Ramaswami's suggestion to amend paragraph 1 to read "may furnish" instead of "shall furnish", and Mr. Golunsky's suggestion that paragraph 2 be made a separate article. With these changes Article 70 was approved.

### Article 71 (formerly Art. 61, para. 4)

The Chairman suggested, and the Committee agreed, that the two sentences of Article 71 should be made two separate numbered paragraphs.

### Procedure, Bodies, and Staff

The Secretary indicated that the side heading "Procedure, Bodies, and Staff", which should precede Article 72 rather than Article 73, was an expansion of the former sideheading, which read "Procedure" alone. Mr. Jebb approved the use of some such phrase, but suggested that "Organization" be substituted for "Bodies". Sir Ramaswami stated that the Technical Committee would object to classifying as procedural articles granting substantive rights to which they attached considerable importance, such as Article 74, and would prefer to use the original Dumbarton Oaks heading, "Organization and Procedure". He made the further suggestion that, if this were done, the articles under this heading be rearranged accordingly, with the articles relating to organization first, followed by those relating to procedure.

The Chairman referred to the arrangement followed in the chapter on the Security Council, where an article comparable to 74 appears under the heading "Procedure", and felt that it would probably be necessary to follow a uniform scheme. Mr. Jebb suggested using the heading "Organization and Procedure" in both chapters.

Mr. Robertson commented that the formerly respectable word "procedure" had been considerably debased during the present Conference. In his view the use of "Procedure" as a heading does not in any way qualify or lessen the substantive rights granted in the various articles, and he suggested that the question be examined at a later stage as a matter of drafting symmetry. In this connection he further commented that there were no articles in the Security Council or General Assembly chapters comparable to paragraph 2 of Article 73, and that it might be desirable to eliminate this paragraph in favor of a general clause dealing with the Secretariat.

The Committee agreed to adopt provisionally the sideheading "Organization and Procedure", subject to reexamination in connection with the Charter as a whole, and to rearrange the articles in CO/120 as follows:

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paragraph 1 of Article 73 to become Article 72; Article 74 to become 73; Article 75 to become 74; Article 76 to become 75; paragraph 2 of Article 73 to become Article 76; and Article 72 to become 77.

Article 72 (CO/120, Art. 73, para. 1; formerly Art. 63, para. 1)

The Secretary called attention to the substantial drafting changes made in the Technical Committee's text for the purposes of simplification and clarification. Sir Ramaswami commented that the new draft shifted the emphasis which the Technical Committee had wished to place on human rights, and suggested that it be amended to read "and for the promotion of human rights, and for such other purposes as may be within the fields of its competence". Mr. Jebb supported this suggestion with the substitution of the word "with" for the first "for" and the alteration of "fields" to "sphere".

Mr. Robertson inquired whether it was mandatory for the Council to set up other commissions. Sir Ramaswami pointed out that, in the Technical Committee's text, this was governed by the phrase "as may be required". At the Chairman's suggestion, it was agreed to reinsert the word "required".

Sir Ramaswami also suggested the reinsertion of the word "activities", instead of "problems", as more precisely covering the Technical Committee's intent. The Chairman objected to the language "to deal with ... activities" and proposed a return to the Technical Committee's text, "commissions in the fields of economic and social activities". Mr. Robertson called attention to the idiomatic sense in which the words "social activities" are ordinarily employed in American usage, and the Chairman amended his proposal to read "commissions in the fields of economic activities and social problems". Mr. Golunsky objected to the expression "fields of ... problems," and Sir Ramaswami suggested omitting references to both "activities" and "problems", so that the phrase would read "commissions in the economic and social fields." This was accepted by the Committee, although Mr. Golunsky felt it was rather vague.

Mr. Papánek inquired whether it was necessary to insert the word "international" before "economic and social", as had been done in Article 58. Sir Ramaswami stated that it had been deliberately omitted by the Technical Committee so that the commissions m[illegible] interstate and national problems as well. The Chairman commented that the fact that "international" was used in Article 58 was controlling, and limited the sphere of competence of the Economic and Social Council.

Mr. Robertson asked whether this article should be read as an instruction to set up three specific commissions or as an enabling power to permit the Council to deal with ad hoc situations. Sir Ramaswami indicated that the Technical Committee had rejected the idea of setting up one economic and one social commission, as suggested by the Dumbarton Oaks Proposals, but felt that a commission on human rights should be set up. To express this idea, the article might be amended to read, "shall set up a commission for the promotion of human rights and commissions in the economic and social fields as may be required within the sphere of its competence."

The Chairman pointed out that this language involved an undue change of emphasis and Sir Ramaswami agreed that this was so. Mr. Jebb also objected, on the grounds that it would suggest that the primary duty of the Economic and Social Council is to deal with human rights, rather than economic and social matters.

The Chairman further commented that it was difficult to imagine the Council's setting up a commission on human rights, and not economic and social commissions. Mr. Robertson felt that this was not so unreasonable; because of the fact that many specialized organizations already exist in the economic and social fields, commissions are not required so urgently as in the field of human rights, whose lack of institutional framework needs to be remedied. The Chairman pointed out that commissions would operate not only in the fields where there are no specialized organizations but, as an expert body advisory to the Council, may be even more necessary in fields where specialized organizations already exist.

The Committee agreed to amend Article 72 to read:

> "The Economic and Social Council shall set up commissions in the economic and social fields, and for the promotion of human rights, and such other commissions as may be required within the sphere of its competence."

Article 73 (CO/120, Art. 74; formerly Art. 63, para. 2)

Article 73 was approved without change.

Article 74 (CO/120, Art. 75; formerly Art. 63, para. 3)

Article 74 was approved without change.

Article 75 (CO/120, Art. 76; formerly Art. [illegible], para. 4)

Mr. Papánek felt that this article should be placed in Chapter IX, following Article 61, as it deals with the same problem. Sir Ramaswami pointed out that different organizations were involved. The Chairman stated that it dealt with the same problem as Article 74, rather than 61.

Mr. de Freitas Valle inquired whether the word "member" could not be omitted from the last line in order to permit consultation with national organizations of non-member states, e.g. Sweden. Sir Ramaswami indicated that the Technical Committee had intended this provision as a courtesy to member states, and had not discussed its application to non-members. The Chairman felt that it would be within the discretion of the Economic and Social Council to consult national organizations of non-member states, with or without consulting their governments.

*Article 75 was approved without change.*

*Article 76* (CO/120, Art. 73, para. 2; formerly Art. 63, para. 5)

Mr. Robertson's previous suggestion regarding omission of this article in favor of a general clause dealing with the Secretariat was recalled. Mr. Pelt pointed out that the staff of the Economic and Social Council would be a highly specialized group, though not necessarily a separate administrative unit; this would also be true of the staff of the Trusteeship Council, but would not apply to the staff of the Court, which would be quite separate. In view of these varying situations, he favored retention of a separate article.

Mr. de Freitas Valle supported Mr. Robertson's suggestion, and suggested that it might be handled by amplifying the article on the Secretary-General. Mr. Golunsky suggested that a decision be deferred until the question can be examined in terms of the Charter as a whole. Sir Ramaswami emphasized that a distinction should be preserved between the general Secretariat and the highly specialized staff of the Economic and Social Council, which was not to be drawn on to perform other functions.

*The Committee accepted Mr. Golunsky's suggestion to defer consideration of Article 76. The Secretary was directed to note Sir Ramaswami's suggestion and to remind the Committee of it when the article is discussed again.*

*Article 77* (CO/120, Art. 72; formerly Art. 63, para. 6)

*Following a suggestion by the Secretary, the Committee agreed to make the two sentences of this article two separate numbered paragraphs, with the word "It" changed to "The Economic and Social Council" and the word "the" before "members" changed to "its."*

The Secretary called attention to the substitutuon of "including" for "and" in paragraph 1, in order to make this conform with the language already approved for Article 33. Sir Ramaswami stated that the Technical Committee had been considerably concerned with the problems of the President's term of office, and doubted whether this was a procedural matter.

Mr. Pelt suggested substituting "elect" for "select", as in Article 21. The Chairman and Mr. Golunsky objected, on the grounds that some other method of designation than election might be employed. Sir Ramaswami stated that "select" was used as including "elect", with the method of selection left to the discretion of the Council, although he personally hoped that it would be by election.

With regard to paragraph 2, Mr. Papánek asked whether the Assembly could not convene a meeting of the Economic and Social Council. Sir Ramaswami pointed out that the Council would have to carry out the recommendations of the Assembly in any case, and that the rules of procedure might provide that it should meet at the Assembly's request.

The further suggestion was made that the word "meeting" be changed to "session". Mr. Fouques-Duparc, Mr. Pelt, and Mr. Jebb were of the opinion that a session may comprise a number of meeting, whereas a meeting refers to a single gathering. Sir Ramaswami felt that a meeting was more inclusive, and may include, e.g. morning and afternoon sessions. Mr. Golunsky stated that the word "meeting" was obviously used here in a general sense, and should be retained in order to give effect to the Technical Committee's intent to let the Council decide its own method of work, including its arrangements for meetings.

The Committee agreed to retain the word "meeting" and to reconsider the question at a later stage in connection with the language used in other articles.

Reference was made to the previous discussion of Chapter IX, and in particular the decisions reached on Articles 59, 61, 62 and 64. Mr. Hasluck referred to the necessity of inserting in Chapter IX (X) under the subheading "Functions and Powers" the language previously deleted from Article 61, and made the further suggestion regarding Article 59, that reference be made to "purposes and functions", in order to relate this article more directly to Article 58. Sir Ramaswami indicated that he had not yet had sufficient opportunity to study these texts and formulate his views.

The Committee agreed that the Secretary should take note of the comments made in issuing the revised texts, and that

Sir Ramaswami should be given an opportunity to present his observations in Chapter IX at a later date.

## CHAPTER I

### Article 1, Paragraph 1

With respect to CO/81 (2), the Secretary referred to the omission of the semicolon in the first line, and to the use of "accord" in place of "conformity". Mr. Jebb and Mr. Liang pointed out that the latter language had been discussed at some length by the Technical Committee, and it was agreed to reinsert the word "conformity".

The Secretary also called attention to the new language, "the adjustment of international situations or the settlement of international disputes". Mr. Fouques-Duparc questioned the meaning of the phrase "adjustment of international situations". Mr. Golunsky felt that this referred quite clearly to changing a situation dangerous to peace and security so as to be no longer dangerous.

Mr. Liang felt that the new language was theoretically better but involved a change of substance. Whereas the original text implies that either disputes or situations might lead to a breach of the peace, the redraft excludes the possibility that this is true of situations. Mr. Fouques-Duparc agreed, and pointed out that some might construe "adjustment of international situations" as the revision of peace treaties, which was certainly not the Committee's intent. The Chairman and Mr. Jebb also expressed a preference for the original text. Mr. de Freitas Valle suggested "settlement or adjustment of international disputes or situations". The Chairman felt that it was possible to adjust a dispute, as well as to settle it, and that adjustment logically preceded settlement.

Mr. Robertson questioned whether the object of maintaining peace and security governed the whole paragraph, or whether there were several objects such as taking effective collective measures or bringing about peaceful settlements. The Chairman stated that the former was the intent, and that some further punctuation might be required to make this clear. He suggested placing a colon after "to that end", indenting "to take effective collective measures, et cetera", placing a semicolon after "breaches of the peace", and again indenting "to bring about by peaceful means, et cetera".

Mr. Pelt expressed a preference for the new language of paragraph 1, as set forth in CO/81 (2), as being clearer than the original text. In his view, it is possible to adjust a situation, or to adjust or settle a dispute in conformity with the principles

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of justice and international law, but not to adjust a situation in conformity with such principles. Mr. Liang disagreed, and pointed out that the words "for peaceful adjustment of situations" are used elsewhere in the Charter. The Chairman also disagreed, and felt that situations might be adjusted with regard to other principles, e.g., principles of equity, within the meaning of this article.

Mr. Hasluck stated that he appreciated Mr. Pelt's point, but did not share his anxiety. In his view the article clearly states that adjustment will be in conformity with the principles named. Mr. Liang pointed out that, whereas adjustment and settlement relate to different stages of a dispute, the phrase beginning "in conformity" clearly applies to both, and excludes an unfavorable interpretation of adjustment in the sense of compromise or sacrifice of principles. Mr. Pelt agreed with this view, provided the articles were amended to read "adjustment and settlement" instead of "adjustment or settlement".

Mr. Jebb stated his understanding to be that, although adjustment may be a rough-and-ready or temporary form of settlement, it is not arguable that this could be done in disregard of the principles named. Mr. Horsfall Carter, the Associate Secretary of Committee I/1, confirmed the view of Mr. Liang as best expressing the Committee's intent.

Mr. Jebb expressed the further view that the word "and" can not be substituted for "or", as suggested by Mr. Pelt, without altering the sense, and the Chairman agreed. Mr. Pelt argued that it might be dangerous to stop at adjustment without proceeding to settlement. Mr. Jebb stated that, if the danger continues, the Security Council will be violating all the principles it is established to carry out.

In view of the opposition expressed by the other members of the Committee, Mr. Pelt withdrew his suggestion.

Mr. Robertson suggested the substitution of "might" for "may" in the final clause. This was agreed to by the Committee.

Mr. Siassi proposed that, if no change in substance were involved, to insert the words "and threats to the independence of states" after "threats to the peace". Mr. Liang pointed out that this was already covered by paragraph 4 of Article 2, and need not be included in Article 1 in addition. Mr. Jebb agreed with Mr. Liang.

The Chairman stated that the sole purpose of the Organization is the maintenance of peace and security, which is not to be confused with the objectives or principles covered by other articles. Article 1 is governed by the words "to maintain peace and security" and envisages a breach of the peace as the final point of danger. This is not to minimize the importance of the question raised by Mr. Siassi but, as indicated by Mr. Liang, that it is already, and more appropriately, included elsewhere in the Charter. So far as Mr. Siassi's original question is concerned, it is not a change of substance from the point of view of the Charter as a whole, but is from the point of view of insertion in Article 1.

Mr. Siassi stated that he would withdraw his suggestion in view of the lack of a second, but requested that the Chairman's remarks on this point be included in the summary report.

The Committee agreed to accept the Chairman's suggestions regarding punctuation and indentation, and to reexamine Article 1 at a later meeting.

The meeting adjourned at 1:15 p.m., to convene again June 15, 1945 at 3 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 410 (ENGLISH)
CO/170
June 20, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-SECOND MEETING OF COORDINATION COMMITTEE

Veterans Building, Room 314, June 15, 1945, 3:17 p.m.

The following members were present:

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|---|---|
| Australia | Paul Hasluck |
| Brazil | Cyro de Freitas Valle |
| Canada | N. A. Robertson |
| Chile | Félix Nieto del Río |
| China | Yuen-li Liang |
| Czechoslovakia | Jan Papánek |
| France | Jacques Fouques-Duparc |
| | Jules Basdevant |
| Iran | Ali Akbar Siassi |
| Mexico | Rafael de la Colina |
| Netherlands | Adrian Pelt |
| | Father L. J. C. Beaufort |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | H. M. G. Jebb |
| | Sir William Malkin |
| United States | Leo Pasvolsky |
| | Green H. Hackworth |
| Yugoslavia | Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 3:17 p.m.

The Advisory Committee of Jurists met with the Coordination Committee to expedite the work and bring the points of view of the two committees together at one session.

### CHAPTER I

**Article 1**

The Secretary, Mr. Darlington, reported two changes in Chapter I, Article 1, paragraph 2 (WD 302, CO/81 (2)): the word "principles" had been made plural, for the two principles, equal rights and self-determination of peoples seemed to be involved; and a comma had been inserted after the word "peoples".

Mr. Fouques-Duparc objected to the use of the word "nations" particularly when it was used in apparent differentiation from the word "peoples" in the same paragraph, since this seemed to introduce the right of secession. He urged that the word "nations" should be used throughout. Mr. Nieto del Río raised a technical objection to the word "nations", as being juridically incorrect because international relations are carried on between states, not between nations. It was pointed out that the two words were frequently used interchangeably in Great Britain and the United States, but that in continental European usage there was a distinct difference between them.

Mr. Hackworth was of the opinion that the word "nations" had been used advisedly because it was a broader term. He pointed out that there would be some parties to the Charter who would not be states in the strict sense of the word. He cited the example of India which was not strictly speaking a state but was a member of the United Nations. If the word "states" were used in this paragraph it would undesirably narrow the meaning. He was supported in this opinion by Mr. de la Colina.

Mr. Golunsky recalled that the paragraph had been carefully drafted, and, since a substantive change was being proposed, it could not be made without reference to Technical Committee I/1. Mr. Robertson was of the opinion that the language of the Technical Committee need not be taken too strictly in this case since Committee I/1 did not have before it other Articles of the Charter where "state" was used deliberately. He was of the opinion that the use of the word "nations" in this connection invited confusion.

Mr. Nieto del Río pointed out that if "nations" were used, it might be applied to any colony inhabited by a special and distinct race which could therefore ask that it be constituted a nation. He was skeptical whether the Technical Committee intended to go so far as that.

The Chairman pointed out that throughout the Charter a number of words were used in different meanings and thought the Secretariat should go through the entire Charter and compile a list of all the uses of the words "nations", "states", and "peoples" so that the Committee could consider all the cases at once to see whether there was a special justification for each use.

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*The Committee agreed that the Secretariat should prepare a list of all uses of "nations", "states", and "peoples" for later consideration by the Committee.*

The Associate Secretary of Committee I/1, Mr. Horsfall Carter, upon request, read from the report of the Rapporteur of Committee I/1 (Doc. 944) a statement that the Committee understood that the principle of equal rights of peoples and that of self-determination were two complementary parts of one standard of conduct, and that the respect for that principle was a basis for the development of free relations and one of the measures to strengthen universal peace.

*The Committee agreed to use the singular form for the phrase "principle of equal rights and self-determination of peoples".*

Mr. Fouques-Duparc questioned whether "self-determination" meant the right of a state to have its own democratic institutions or the right of secession. He suggested that the Technical Committee be asked to clarify the text. Mr. Liang remarked that the sponsoring governments had thought the meaning clear, but since the questions raised showed otherwise and there was a good deal of force in the remarks of Mr. Fouques-Duparc, he saw no objection to consulting the Technical Committee. Mr. Jebb was reluctant to encourage a debate of many days on the meaning of "self-determination", since he was not sure that there could be agreement. Mr. Golunsky concurred in this opinion and suggested that the Chairman of Committee I/1 be asked the Committee's opinion on the question in order to avoid a delay of several days in the work of the Conference.

Mr. Liang agreed that the Chairman, Rapporteur, and Secretary of the Committee might be consulted first on whether self-determination might mean the capacity of peoples to govern themselves, and secondly whether the phrase suggested the right of secession on the part of peoples within a state.

*The Committee agreed that when Chapter I was discussed as a whole the Chairman and Rapporteur of Committee I/1 should be asked to sit with the Committee to give their opinion on points needing clarification.*

Mr. Hasluck raised a question on the phrase "to take other appropriate measures" since he did not perceive any measures previously specified in the paragraph. The Chairman suggested that this question should be deferred until the officers of the Committee were present.

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The Secretary reported that stylistic changes had been made in paragraph 3 of Article I to bring it into conformity with the rest of the Article. He suggested this was particularly necessary with the opening paragraphs of the Charter which would be read with special care. The present participial verb form replaced nouns; "of mankind" had been substituted for "for all"; and "the" had been inserted before "fundamental".

Mr. Papánek wondered whether the word "all" was necessary to modify "mankind", and suggested that it weakened the phrase.

The Committee agreed to delete "all" before "mankind".

The Secretary reported that in paragraph 4 of Article I "where the actions of nations may be harmonized" had been substituted for "harmonizing the actions of nations" because the "center" could not harmonize. Mr. Fouques-Duparc questioned as a matter of form whether the purpose of the Organization was "to be a center". He preferred a phrase such as "to be a center to harmonize the actions of nations". Mr. Jebb expressed the opinion that the object was to make clear that not only was it a matter of harmonizing but of providing machinery for that purpose.

Mr. Liang raised a question of form on the use of "to be", observing that the previous paragraphs of the Charter had started with a verb of positive action so that the last paragraph now had an anticlimactic character. He suggested that the words "to form" might be used. Mr. Hackworth suggested that the words "to constitute" or "to provide" be used, since the United Nations could not actually "be a center". Mr. Jebb concurred in this suggestion.

The Chairman observed that the intent was to provide a means for harmonizing the ends of nations. Mr. Hasluck and Mr. Siassi agreed with this opinion. The Chairman suggested that this was another question which might most profitably be taken up with the officers of the Committee.

The Committee agreed that the question should be taken up with the officers of the Committee.

The Committee provisionally approved the remainder of Article I.

Article 2

The Secretary explained that the Committee had before it three drafts of Article 2, the first of which was close

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to the text as submitted by the Technical Committee (WD 210, CO/94 (1)). Alternative A (WD 203, CO/94 (2)) was close to the Committee text with some verbal modifications. The Secretariat had attempted a redraft, Alternative B (WD 204, CO/94 (3)), which endeavored to separate by semicolons the principles of the United Nations and the statement of obligations on members.

Mr. Robertson stated that he shared the scruples of the Secretariat, which he thought had done an heroic job of recasting, and suggested that Alternative B should be the basis of discussion. Mr. Liang observed that at this late date the Committee could not afford to debate sweeping changes, as proposed in Alternative B. He thought that Committee I/1 would take two or three hours to debate each redrafted article. Mr. Golunsky agreed and suggested that the Committee discuss on the basis of Alternative A. The Chairman observed that in spite of the excellence of the ideas in Alternative B, the time consumed in discussion would be interminable, and therefore suggested a vote of thanks to the Secretary and the use of Alternative A for discussion.

The Secretary explained that in Alternative A the words "United Nations" had been placed in the title; in the first three lines the words "the United Nations and its members" had been placed first for dignity's sake, and "in pursuit" had been changed to "in pursuance" and placed in the center of the sentence.

Mr. Valle objected to the use of the phrase "the United Nations and its members" in the opening lines of Article II, pointing out that there was no difference between the United Nations and its members. He thought his objection was particularly applicable if the words "the United Nations" were used in the title of the Article. Mr. Fouques-Duparc objected to the repetition of the words "United Nations" in each Chapter title.

The Committee agreed that the words "The United Nations" should be stricken from the titles of Articles I and II, which would then read simply "Principles" and "Purposes".

Mr. Hasluck questioned whether the words "in pursuance of" meant the same as "in pursuit of". The Chairman agreed that there was a difference.

The Committee agreed to use the wording of the Technical Committee, "In pursuit of". The Committee also agreed to substitute the word

## "Organization" for "United Nations" in the first line of Article 2.

In discussing paragraph 2 of Article 2, Mr. Roberston stated that he thought it was a dubious principle to assert that states should observe treaties to achieve any particular purpose since treaties were obligations which were assumed and should be carried out faithfully in any event.

Mr. Liang suggested that the words "to insure all of them the rights and benefits resulting from membership" should be placed closer to the word "fulfill", since they were intended to modify "fulfill", rather than the word "assume". The Chairman suggested that the difficulty would be better met by a transposition so that the sentence should read:

> "All members, in order to assure to all of them the rights and benefits resulting from membership, shall fulfill the obligation assumed by them in accordance with the Charter."

The Chairman expressed the certainty that when this language was drafted at Dumbarton Oaks, the emphasis was on fulfillment and that therefore his suggested change was closer to the original thought. Mr. Horsfall Carter, the Associate Secretary of Committee I/1, read the report of the Rapporteur of Committee I/1 (Doc. 944), stating that paragraph 2 did not mean merely that one member which fulfilled its duties and obligations might receive certain benefits and rights, but it also meant that if all members of the Organization fulfill their obligations, all members receive benefits. That is, the non-fulfillment of the duties and obligations by one state deprived not only that state but all the others of some of the benefits.

> The Committee agreed to revise paragraph 2 of Article 2 as follows: "All members, in order to assure to all of them the rights and benefits resulting from membership, shall fulfill the obligations assumed by them in accordance with the Charter."

The Secretary explained that in paragraph 4 of Article 2 the changes suggested were the omission of the words "of the Organization" after "all members" and the omission of the words "member or" before the word "state." He suggested that in the light of the discussion, the latter words might be reinserted. Mr. Jebb inquired what was meant by "any member or state", asking whether it meant any member or non-member and suggested that if it meant the latter, it was going a bit far.

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The Committee agreed to refer the meaning of "any member or state" to the officers of Committee I/1.

In discussing paragraph 6 of Article 2, Mr. Fouques-Duparc suggested that paragraphs 5 and 6 should be amalgamated, since they were the negative and positive aspects of the same problem of enforcement action. Mr. Liang objected that there was a substantial reason for a separate paragraph 6, namely, to make it impossible for members to be neutral. The Chairman agreed that the two distinct obligations were closely related and thought that Mr. Liang's point would be even stronger if the two paragraphs were combined to emphasize the absence or the impossibility of neutrality.

The Committee agreed that paragraphs 5 and 6 of Article 2 should be amalgamated into a single paragraph.

Mr. Robertson suggested that the word "taken" should be used instead of "undertaken" in paragraphs 5 and 6, and the word "ensure" instead of "insure" in paragraphs 2 and 7.

The Committee agreed to substitute the word "take" for "undertaken" in paragraphs 5 and 6, and to change "ensure" to "insure" in paragraphs 2 and 7.

The Secretary pointed out that in paragraph 7 of Article 2 the Technical Committee had requested the Coordination Committee to decide whether the opening line should read "The Organization shall or should insure". The draft by the Secretary used the word "shall". There was no objection raised.

Mr. Robertson stated that he thought the intent of paragraph 7 of Article 2 was that the Organization should see to it that other states act appropriately, but this could hardly be called a principle. Thus, paragraph 7 did not properly belong among the principles of the United Nations.

The Chairman said that he thought it quite clear that, except for paragraph 2, the other paragraphs of Article 2 were applicable to the behavior of non-member states and that was the purpose of the words "in so far as may be necessary for the maintenance of international peace and security". That qualification left out those principles clearly not applicable to non-member states or not applicable to the problems of the maintenance of peace and security. He thought the limitation very important.

The Secretary reported that no changes had been suggested by the Secretariat in paragraph 8 of Article 2 (WD 338, CO/94 (5)). Mr. Liang questioned whether it was correct to use the phrase "to submit such matters to settlement", rather than "for settlement". Mr. Hackworth thought there was a substantial difference, since when questions were submitted "to settlement" that meant carrying the process to a conclusion; whereas, if they were submitted "for settlement" they were submitted and the settlement came later. The Chairman thought that the words "to settlement" were used advisedly.

The Committee agreed to ask the officers of Committee I/1 for an opinion on whether "to settlement" or "for settlement" should be used.

The Committee agreed to tentatively accept Article 2 subject to the previously noted clarifications being made.

Article 43

In introducing Article 43, Chapter VII (WD 325, CO/60 (2)), the Secretary reminded the Committee that the Article had been discussed at the June 9 meeting. The first alternative proposed was very close to the text approved by the Technical Committee. The second alternative had been discussed and was preferred by a representative group of nine from Committee III/3, including the Chairman of the Committee. The first alternative was closer to the view of the Jurists Committee which leaned to the single paragraph form.

Mr. Golunsky observed that the meaning of both articles was the same and that he preferred the first alternative because it was closer to the Dumbarton Oaks text which was known all over the world. He thought that the Dumbarton Oaks language should not be changed for minor stylistic reasons since that would invite a search for substantive reasons for change when none existed. Mr. Fouques-Duparc agreed with that view because the first alternative was shorter and more consistent.

Mr. Hasluck inquired whether thought had been given to having the language of Article 43 conform with the language of the Purposes of the Charter which referred to "threats to the peace", "acts of aggression", or "other breaches of the peace". Mr. Darlington explained that the order of the words "threat to the peace, breach of the peace, or act of aggression" in Article 43 had been arranged by the Secretariat in ascending progression, for the order used in the Purposes seemed to taper off.

The Chairman stated that he did not believe that the theory of ascending progression was valid now or at the time of drafting Dumbarton Oaks. An act of aggression was one of the instances of breach of the peace. The phrase "breach of the peace" included "act of aggression", but the term "act of aggression" did not comprise everything contained in the phrase "breach of the peace". The Purposes, rather than tapering off, set out special cases and then the general cases, and he, therefore, preferred the order used in the Purposes.

Mr. Liang urged that the three distinct situations, the threat to the peace, the breach to the peace, or the act of aggression, should be maintained in Article 43. The act of aggression is not likely to be identical with the breach of peace and there should be no attempt to adopt a formula to include breach of the peace within the framework of act of aggression.

Mr. Golunsky expressed his preference for the wording in Article 43, for an act of aggression was more dangerous than a mere breach of the peace. The Chairman stated that he held a slightly different basic theory of the Charter: that the most important function of the Organization was to see that no breach of the peace occurred irrespective of whether or not aggression took place. Aggression was only a special case of breach of the peace. Thus, the language of the Purposes placed particular emphasis on breach of the peace rather than act of aggression which was not necessarily the most extreme case of breach of the peace.

Mr. Liang suggested that in the majority of cases the acts of aggression would not be exactly definable. If the Article stated "act of aggression or other breach of peace," he feared that undue support was given to "breach of peace". He strongly urged that the wording in the first alternative of Article 43 should be maintained. The Chairman withdrew his objection.

Mr. Pelt questioned whether Article 43 should not state "measures or action shall be taken". Mr. Fox, Secretary of Committee III/3, explained that the words "or action" has been deleted in order to avoid confusion, for if "measures or action" were used in Article 43, the subsequent use of one of those terms alone would seem purposeful when that was not the case.

The Committee agreed that the use of the words "measures or action" should be considered later in relation to the terminology of the whole

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Chapter. Subject to this qualification, the Committee provisionally adopted the first alternative of Article 43.

### Article 44

The Secretary reported that the draft of Article 44 (WD 326, CO/61 (2)) was based on a draft approved by a group of nine members of Committee III/3. Much of an earlier draft had been left out. The Secretary recalled that the principal difficulty at a previous discussion was whether or not the Security Council could take action only before recommendations were made to restore peace or whether action could be taken at any time. The view of the Committee at that time had been that it would be preferable that the action should be taken at any time. In this view the group of nine members of Committee III/3 had concurred.

Mr. Hasluck suggested that there were substantial differences between the proposed Article 44 and the Committee III/3 draft, although he believed that the new draft was a considerable improvement. The Committee draft provided that measures should be taken at a precise time since it said "before making the recommendations or deciding upon the measures" and, in the last sentence, "failure to comply with such measures should be duly taken account of by the Security Council", thus suggesting that there was a stage preceding the one when a full account would be taken. Moreover, the Committee III/3 draft had made direct reference to the preceding article and the new draft had only a loose reference to that article. If Committee III/3 had a clear conception of the nature of the provisional measures, Mr. Hasluck thought that point should be made precise. He thought that the provisional measures were intended to prevent a situation from deteriorating and were a prelude to further measures if the situation did deteriorate.

Mr. Fox, Secretary of Committee III/3, replied that the Committee discussion had brought out the fact that there might be more than one set of decisions to take measures or make recommendations and thus provisional measures might be needed. The Committee did not wish to deny the Council the right to take measures at any stage of the proceedings until the final liquidation of the situation. In reference to Mr. Hasluck's second point, Mr. Fox stated that the looseness of the reference was one reason that it had been suggested that Article 44 should be united with Article 43. The phrase at the end of the Article, "provisional measures", had been adopted, although the Committee discussions had been based on the words "conservatory measures"; the latter phrase was not a very common English phrase. Moreover, if "provisional measures" were taken in connection with the opening clause, it introduced the idea of conservatory measures both in the French and English text. The introductory phrase "in order to prevent an aggravation of the situation" also introduced the conception of the conservatory measures.

Mr. Jebb suggested that Article 44 should begin: "Before making recommendations or taking measures", in order to return the Article to the original meaning of the Technical Committee. He thought it absurd that provisional measures should be allowed at any time after a situation had developed since that opened the door for the Security Council to try to run out on its responsibility instead of taking definite action. Mr. Liang agreed with the statement that provisional measures should be applied only in the very beginning of a situation.

The Chairman observed that the redraft of Article 44 in CO/61 (2) made a substantive change in the paragraph and suggested that the original text as presented by the Technical Committee (CO/61 (1)) should be adopted.

Mr. Robertson stated he was puzzled by the distinction in Articles 43 and 44 between "making recommendations" and "calling upon parties" because he thought the phrase "making recommendations" in Article 43 covered the contingencies under Article 44.

Mr. Liang replied that the thought was that to actually make recommendations initiated a chain of events in the course of which the Council was bound to take enforcement measures. However, to provide that the Council "may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable" would allow the Council to call upon the parties concerned without pronouncing its opinion. Recommendations involve a specific obligation to carry out enforcement arrangements while provisional measures cannot be interpreted as enforcement arrangements. Thus, "recommendations" in Article 43 do not cover the case of "provisional measures" in Article 44. Mr. Liang stated that, since the Committee seemed to prefer the original draft of Article 44, Articles 43 and 44 should be amalgamated as had been suggested by the Chinese Delegation when Article 44 had been redrafted.

The Committee agreed not to amalgamate Articles 43 and 44 and provisionally accepted both articles, the latter in the form given in CO/61 (1).

The Committee adjourned at 6:15 p.m., to reconvene at nine o'clock the same evening.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 442 (ENGLISH)
CO/206
September 5, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-THIRD MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 15, 1945, 9:00 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Antonio Camillo de Oliveira
Canada -- N. A. Robertson
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- C. Chaumont
Iran -- Ali Akbar Siassi
Netherlands -- Adrian Pelt
U.S.S.R. -- S. A. Golunsky
United Kingdom -- H. M. G. Jebb and C. K. Webster
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 9:12 p.m.

The Committee continued its reconsideration of Chapter VII which had been previously discussed by the Committee on June 9.

### CHAPTER VII

Article 45 (Article 41, Final Charter)

The Secretary, Mr. Darlington, explained that as a result of the discussion at its thirteenth meeting on June 9 (Doc. WD 327; CO/82 (2)), the article had been slightly revised so that the words "partial or complete" would apply to the interruption of communication channels and not to the severance of diplomatic relations and that the word "determine" in the phrase "The Security Council may determine" had been changed to "decide". At the suggestion of Mr. Gavrilovic the phrase "partial or complete" was reversed to restore the original text.

The Committee approved the text with the "complete or partial" in that order

### Article 46 (Article 42, F.C.)

Discussion centered around the change agreed upon at the thirteenth meeting (Doc. WD 330; CO/83 (2)) from "Should the Security Council consider such measures to be inadequate" to "Should the Security Council consider that measures ... would be inadequate or have proved to be inadequate". Mr. Gavrilovic suggested as an alternative "are inadequate", but the Chairman pointed out that this might overemphasize the point. Mr. Jebb suggested the substitution of the phrase "are or might be inadequate" as a simpler style but the Chairman called attention to the fact that this would give a different shade of meaning to the phrase and that the revised language clearly expresses the two essential ideas.

The change of the word "naval" to "sea" was noted.

The article was tentatively approved as modified.

### Article 47 (Article 43, F.C.)

The texts before the Committee were Docs. WD 195; CO/84 (1) and WD 332; CO/84 (2).

The division of the article into three paragraphs was approved by the Committee as was likewise the recasting of the first part of paragraph 1 which had been selected by an informal group of members of the Committee, together with its Secretary.

The use of the word "determine" in the phrase (paragraph 2), "such agreement or agreements shall determine" was not approved and the original word "govern" was restored.

The article "the" before "armed forces" was stricken out.

Mr. Oliveira questioned whether the singular or the plural should be employed in the phrase (paragraphs 1 and 2), "rights of passage" and "numbers and types of forces", since in the Latin languages such phrases were in the singular. Regarding the first phrase, both Mr. Robertson and Mr. Chaumont expressed the opinion that "rights of passage" was the more restricted in meaning. Mr. Golunsky indicated his preference for the plural. As to the phrase "numbers and types of forces", Mr. Golunsky stated that he had discussed the matter with the Soviet military experts who in turn had discussed it with their American and British colleagues, and that there was general agreement on the use of the word "types". He added that the word "numbers" might, however, well be singular. Mr. Jebb expressed preference for the use of the plural "numbers and types".

It was agreed to refer the question of all three words to military experts.

Although the question had been previously raised by Mr. Robertson as to the adequacy of the word "ratification" in paragraph 3 when referring to the special agreements, the Secretary replied that Committee III/3 desired that it not be changed and its retention was agreed upon.

At the suggestion of the Chairman, the punctuation of paragraph 3 was altered to place a period after the first clause and to make the second clause and the second sentence one sentence.

The question previously raised by Mr. Robertson as to whether the text should stipulate that the special agreements are made "on behalf of the Organization" was not taken up by the Secretary but Mr. Robertson agreed not to press the point.

The phrase "including rights of passage" was enclosed in commas.

Mr. Robertson questioned the necessity of reiterating the phrase "special agreement or agreements" so frequently and it was agreed, after discussion, that the word "special" should be omitted.

The article as amended was tentatively approved.

Article 47X (Article 44, F.C.)

The Committee had before it Docs. WD 196; CO/85 (1) and WD 340; CO/85 (2).

After noting the change of tense from "when the Security Council decides to use force" to "has decided to use force", the Secretary raised a doubt as to whether the Committee had previously agreed upon the substitution of the phrase "to take action under Article 46" for "to use force", the substitution having been suggested in view of the possible doubt that a blockade constituted the use of force. It was agreed that it did and in order to avoid the cross reference, it was decided to retain the language "to use force".

Extended discussion then took place concerning the clarity and chronology involved in the phrase "... the Security Council... shall, before calling upon a member not represented on it to provide armed forces ... invite that member, if the member so requests, to send a representative, etc."

In response to a question from Mr. Bailey, the point was brought out that the request of a member for an invitation might be made in each case, but would not be expected to be a general request made in the special agreement.

Mr. Oliveira first pointed out the difficulty inherent in the language—that a country not represented on the Council must, it seemed to him, be invited to participate before it can be called upon to provide forces; that the country itself must request the invitation but that until it has been called upon for forces, it will not know whether it should make such a request. In the course of the discussion it was pointed out by several members, including the Chairman, Mr. Golunsky, and Mr. Liang, that in effect there would be in each case two steps; one, some procedure whereby the members would become apprised of the fact that the Council has decided to use force, and the second, a formal call to provide forces.

Various observations were offered. Mr. Gavrilovic pointed out that in view of the staff agreements with each member, every country would know under what circumstances it might be called upon to provide troops and therefore know its obligations in any given situation which the Security Council might be considering. Mr. Liang remarked that a decision of the Security Council might be published in order to apprise all members. It was recognized, as Mr. Liang stated, that the words "calling upon" could not refer to this step of so-called notification but to the formal call.

Mr. Robertson remarked that the phrase "before calling upon" really means "before requiring" and stated that the language appeared obscure because the step of notification was not expressly set out. He therefore suggested, as did Mr. Pelt, that a phrase similar to the underlined be inserted: " ... the Security Council ... shall, before calling upon a member ... notify that member and if the member so requests, invite the member to participate".

Mr. Siassi put forward the suggestion that the phrase read "when calling upon". Messrs. Jebb and Liang expressed a preference for the phrase "after calling upon" and similarly Mr. Chaumont suggested "and as called upon".

Mr. Golunsky suggested that the difficulty was only theoretical since in point of fact it would be impossible to conceive that a member would not know in advance.

A further difficulty of Mr. Oliveira was mentioned, namely, that since the Council cannot call upon a member to provide forces until it has invited that member, upon its own request, to participate, the member could delay supplying the forces by refusing to request the invitation. The Chairman replied that the period in which the Council would wait for a request would be up to the Council and Mr. Liang pointed out that of course if a member failed to request an invitation, the Council would proceed to reach decisions without its participation.

A suggestion by Mr. Oliveira to delete the phrase "if the member so requests" was not approved.

A third question concerned the use of the terms "invite" and "request" which Mr. Oliveira stated he wanted to avoid. Mr. Bailey presented as an alternative wording "give that member an opportunity to send a representative if it so desires to participate, etc." but after discussion this language was thought to involve a substantive change.

At the conclusion of the above discussion Messrs. Robertson, Golunsky and Gavrilovic expressed themselves as willing to accept this part of the text as approved by the Technical Committee.

The Committee agreed to leave the article without change and consider the matter on a further reading.

Article 48 (Article 45, F.C.)

The Committee had before it Doc. WD 332; CO/86 (2).

Two drafts of this article were presented, the second to take care of a previous objection by the Chairman that the language implied an obligation on the part of all members to provide air force contingents.

This second alternative read:

"The members of the United Nations which shall have obligated themselves to provide national air force contingents in accordance with Article 47 shall hold such force immediately available for combined international enforcement action.

The strength and degree of readiness of these contingents and plans for their combined action shall be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in Article 47."

Mr. Golunsky observed that the Article contains a limiting reference to Article 47. The omission of "the" before "members" was deemed to clarify the first alternative somewhat.

The Committee agreed to accept the first alternative.

Article 49 (Article 48, F.C.)

The Committee had before it Doc. WD 341; CO/87 (2), which was the following revision of the text adopted by Committee III/3:

"The measures required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all members of the United Nations or by some of them, as the Security Council may determine. All members undertake to cooperate in carrying out these decisions by their own action and by joint action. As members of specialized agencies, they undertake to use their best efforts to ensure that these agencies cooperate with the Security Council to the fullest extent possible in implementing its decisions."

Two problems of interpretation were posed by the article. The redraft presented, prepared with the aid of Mr. Robertson, sought to avoid a commitment that the members would carry out the Security Council's decisions through action of specialized organizations over which they would not, of course, have complete control. Mr. Bailey doubted whether "by their own action and by joint action" was a real antithesis. The Chairman and Mr. Golunsky expressed doubt, however, that the revision carried out the intention of the original text, although Mr. Jebb expressed approval of the last four lines.

The second problem was whether the phrase "by all members of the United Nations or by some of them" included as few as one.

Because of the expressed view of the members of technical Committee III/3 that any change in the text should be referred to it, a view concurred in by Mr. Golunsky, and at the suggestion of Mr. Bailey,

Consideration of the article was postponed.

Article 50 (Article 46, F. C.)

The Committee had before it Doc. WD 342; CO/88 (2).

This article was tentatively approved without discussion.

Article 51 (Article 47, F.C.)

The Committee had before it Doc. WD 333; CO/89 (3).

The Secretary Mr. Darlington, explained that the text presented comprised four paragraphs, at the Chairman's suggestion, with the sentences arranged in more logical order. It was explained that the word "established" in the phrase "there shall be established a military staff committee" had been omitted in order to avoid the necessity of a further act to set up the committee. However, Mr. Golunsky pointed out that the phrase was thus untranslatable in French and in Russian and Mr. Liang observed that he saw no great force in the argument that a separate act would be required. Therefore, the word was reinserted.

Mr. Golunsky stated that in his opinion the altered language in paragraph 3 from "shall be worked out subsequently" to "shall be dealt with as the occasion may require" implied that the questions of command should be dealt with ad hoc in each separate military action, whereas the original language implied that the Council could later make one general decision in the matter. Mr. Liang agreed. Mr. Bailey, however, took the view that the altered language permitted either a general decision or ad hoc decisions and added that one reason for the change was to avoid the colloquial expression "worked out". Mr. Jebb suggested the alternative "as the occasion requires". The Chairman announced the agreement of United States military personnel with the phrase "as the occasion may require". Mr. Golunsky stated that the Soviet military officials were not in favor.

The Committee agreed to use the words "shall be dealt with subsequently".

Article 52 (Article 49, F.C.)

The Committee had before it Doc. WD 334; CO/90 (2).

This article was tentatively approved without discussion.

Article 53 (Article 50, F.C.)

The Committee had before it Doc. 335; CO/91 (2).

This article likewise occasioned no discussion, except a suggestion by the Chairman that the definite article in the phrase "the solution of those problems" be made indefinite.

This suggestion was approved.

Arrangement of Articles

The Chairman proposed that Article 49 be placed between Articles 51 and 52 in order first to complete the provisions concerning the operations of the Security Council and the establishment of the Military Staff Committee before dealing with the obligations of member states with respect to those operations. There was no objection.

The rearrangement was effected in Doc. WD 355; CO/142.

Article 23 (Article 23, F.C.)

At the request of Mr. Robertson the Committee turned to a reconsideration of the concluding phrase of paragraph 1 of this Article concerning election of non-permanent members of the Security Council:

> ", due regard being specially paid in the first instance to the contribution of members of the Organization to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution".

The issue was whether the words "in the first instance" referred to both prepositional phrases or whether it was intended to state that due regard should especially be paid in the first instance to the contributions of the countries and in the second instance to geographical distribution. WD 352 (CO 139) was distributed by the Secretary as a basis for the discussion.

Although there was some question in the Committee as to the terms of reference of the problem from technical Committee III/1, it was generally agreed, as stated by Mr. Oliveira, that after considerable discussion in the technical Committee the great majority of the members concurred in the explanation of Sir Alexander Cadogan that "in the first instance" applied only to contributions. The Secretary, Mr. Darlington, added that it was the sense of the technical Committee's decision that the insertion of a comma before the phrase "and also" would make that meaning too clear. Mr. Oliveira also pointed out that the Chairman of the technical Committee approved the suggestion to refer the matter to the Coordination Committee for decision and the Rapporteur suggested that the above interpretation be likewise transmitted to this Committee for its guidance.

Messers. Liang, Golunsky, Bailey and the Chairmen expressed their initial desire to make no change in the language.

Mr. Robertson voiced his objection to permitting such an admittedly ambiguous article to remain in the final Charter and urged the insertion of the underlined phrase: "due regard being especially paid, in the first instance to the contribution of members ... and due regard being also paid to equitable geographical distribution". He was supported by Mr. Webster. The Chairman stated that in his opinion this constituted a substantive change, pointing out that the addition of the phrase subordinates even more the reference to geographical distribution in view of the location of the word "especially".

Discussion followed as to the desirability of returning the problem to the technical Committee in view of the political explosiveness of the issue. To Mr. Liang's observation that it might be referred to the technical Committee with no recommendation, Messers. Golunsky and the Chairman objected.

As Messers. Oliveira, Webster and the Chairman appeared to become somewhat inclined to refer the matter again to the technical Committee with a recommendation for the insertion of the language suggested by Mr. Robertson, Mr. Gavrilovic expressed his disagreement with the interpretation and reopened discussion as to whether the word "especially" applied to both factors. Mr. Webster took the affirmative view but nevertheless acknowledged his approval of Mr. Robertson's suggested insertion. Mr. Golunsky pointed out that this insertion would make the word "especially" govern only the contributions of the countries and not the factor of geographical distribution. The Chairman, agreeing, remarked that it was for this reason he thought the insertion a substantive change and hence undesirable. Mr. Liang concurred. Reading "in the first instance" and "in the second instance" was similarly discussed.

There was further discussion as to the extent of the controversy which would be caused in the technical Committee by a reference back. Mr. Bailey in his analysis of the language considered the phrase "due regard being especially paid" to cover both factors and to exclude other possible factors.

The problem was finally resolved by the adoption of a suggestion of the Chairman.

> The Committee inserted a comma before the words "specially paid", and referred the article to Committee III/1 with a statement that the Coordination Committee was of the opinion that the phrase "in the first instance" governed only the first factor of contributions.

It was the Chairman's added thought that an interpretation of the language might be included in the report of the Rapporteur of Committee III/1 to the Commission.

The meeting adjourned at 11:50 p.m. until the following morning with the unanimous agreement that the Chairman be empowered to limit debate as he saw fit.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 424 (ENGLISH)
CO/153
June 25, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-FOURTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 16, 1945, 10:00 a.m.

The following members were present:

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| Australia | K. H. Bailey |
| Brazil | Cyro de Freitas Valle |
| Canada | Escott Reid |
| Chile | Félix Nieto del Río |
| China | Yuen-li Liang |
| Czechoslovakia | Jan Papánek |
| France | Jacques Fouques-Duparc |
| Iran | Ali Akbar Siassi |
| Mexico | Rafael de la Colina |
| Netherlands | Adrian Pelt |
| U.S.S.R. | S. Golunsky |
| United Kingdom | H. M. G. Jebb |
| United States | Leo Pasvolsky |
| Yugoslavia | Stojan Gavrilovic |

Also present were the following:

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| Ukrainian Soviet Socialist Republic | Dmitry Z. Manuilsky, Chairman of Committee I/1 |
| Syria | Farid Zeineddine, Rapporteur of Committee I/1 |
| Costa Rica | J. Rafael Oreamuno, Acting Chairman of Committee I/2 |
| Greece | Thanassis Aghnides, Acting Chairman of Committee III/ |

The Chairman, Mr. Pasvolsky, opened the meeting at 10:00 a.m.

### CHAPTER I

#### Article 1

The Chairman remarked that they would start the agenda with Chapter I. Discussion followed on the advisability of dividing paragraph 1 into sub-paragraphs, Mr. Zeineddine arguing against the wisdom of this. Mr. Zeineddine suggested that the meaning would be changed by subdividing it. Punctuation was then discussed to clarify the exact meaning of this paragraph in both the French and English texts. The question whether the English text was in accord with the French was raised by Mr. Zeineddine, since the last two paragraphs had been combined in one and the Chairman assured them that this was now true.

Mr. Manuilsky argued that an alteration had been suggested in paragraph 2 which would make the principle of equal rights and self-determination of peoples a mere statement of fact, whereas, the original French text recognized a "right" for the peoples to dispose of themselves. The Chairman pointed out that no changes were made in the English text but the problem was to bring the French text into conformity with the English. Dr. Siassi said that the French wording did not quite mean "self-determination". At this point, Mr. Zeineddine read the French text which he said had been accepted unanimously in the Committee and he believed that there was no ambiguity in it. M. Fouques-Duparc questioned the exact meaning of "self-determination." Mr. Manuilsky thought that the right of self-determination meant that a people may establish any regime which they may favor.

The Chairman suggested that the Committee take the English text which had been accepted by the Technical Committee and make an exact French translation of it. The interpreter then read the amended French text. M. Fouques-Duparc said he thought that the old text was better, with the word "librement" included.

Discussion followed as to the exact meaning of the words "nations" and "states". M. Fouques-Duparc pointed out that in the second and fourth paragraphs "nations" was used, and the Chairman requested that this be deferred until the fourth paragraph was reached.

Mr. Manuilsky remarked that he preferred the wording "fundamental freedoms for all" in paragraph 3 rather than the new version "fundamental freedoms of all mankind". Mr. Zeineddin concurred with him. It was finally agreed to use the words "rights and freedoms for all", instead of "of all mankind". The Secretary, Mr. Darlington, pointed out the differences in meaning between these two words and the change in construction. The next objective, he said, was to achieve a true French translation. It was also indicated that they would have to obtain a French translation of "to achieve international cooperation".

It was agreed to replace "of all mankind" by "for all".

Mr. Manuilsky said he thought that the English text of paragraph 4 was satisfactory, but believed the French translation no longer agreed with the English text. Mr. Zeineddine considered the words "in the attainment of these common ends" had been well translated into the French. Here again the words "nations" and "states" were discussed, Mr. Golunsky believing that "states" was customarily used when it was intended to express a political meaning.

Mr. Manuilsky said that he thought the word "justice" in paragraph 3 had been inserted at the request of the delegate of Bolivia, that he thought it a rather vague term, and suggested it be deleted leaving only the words "peace and security". Mr. Zeineddine said that it was the intention of the Committee to put in the word "justice" and Mr. Manuilsky suggested that they adopt the same text as approved by the Committee.

M. Fouques-Duparc asked if it had been agreed to eliminate the word "member" in paragraph 4. Mr. Manuilsky wished to have it retained, stating that there are some nations whose independence has to be protected and which have not yet reached the status of a state, adding that there had been a long discussion of this point in the Committee when the word was definitely adopted. M. Fouques-Duparc said that the text as drafted would imply that no member is a state. The Chairman replied that in the next Chapter the members are described as states, and Mr. Jebb agreed with this. The Chairman explained that he thought that when we say "members" we mean "member states", and when we say "states" we mean states whether members or not, and that this terminology was used throughout the document.

At this point, Mr. de la Colina suggested that a small subcommittee be formed for the purpose of studying these questions, to which the Chairman agreed.

Asked if there were any more observations on paragraph 4, Mr. Reid argued that there was quite a difference in substance between the French and English texts, the French in his opinion being the clearer.

Mr. Reid suggested that the word "undertakes" in paragraph 5 be replaced by the word "takes"; also that the word "measures" be used instead of the word "action". This would then read "any measures which it takes". The Chairman said that the question had not yet been settled whether it would be "measures" or "action". To clarify the language in the French text, the Chairman said the word "Organization" could be substituted for "United Nations", and Mr. Golunsky supported this view.

The Chairman asked for observations on paragraph 6, and then turned to paragraph 7, asking if the text in this paragraph was correct.

Mr. Golunsky said that he believed there was no change necessary in the English text. Mr. Zeineddine questioned whether the French version was satisfactory. At this point Mr. Reid raised the question whether it was the purpose of the Article to protect the jurisdiction of non-member states, and Mr. Jebb replied that they had not wished to interfere with domestic affairs.

Mr. Manuilsky said that he accepted the text as it now stood. The Chairman said he believed that in the French text the word "Organization" would be substituted for "United Nations".

As there were no further observations, the Chairman announced the Chapter was finished and they would adjourn for three minutes.

The meeting was called to order again by the Chairman.

He stated that the International Secretariat would like to distribute to the Delegations the text of those Chapters as they emerged from this stage of consideration, with a notation that they were tentative drafts of the Coordination Committee and of the Advisory Committee of Jurists, subject to final approval by the Coordination Committee.

## CHAPTER II

### Article 3

It was announced that the Chairman of Committee I/2, Mr. Oreamuno, was present. The Chairman said that Article 3 raised a question whether the states signatories to the Charter would be named in the Preamble, and this might be now taken up for discussion. The Advisory Committee of Jurists had suggested that they be enumerated in the Preamble, to which Mr. Jebb replied that it would be cumbersome to put all fifty names at the top of the Preamble. He remarked that in the Covenant of the League they were named in the Annex. Mr. de Freitas Valle, however, said he thought that the Preamble was the usual place for such a list and that it should be placed there. The Chairman favored a text similar to that of the Technical Committee, to the effect that the original members should be the states signatory to the Charter which have ratified it in whatever manner is agreed upon.

Mr. Golunsky explained the point of view of the Advisory Committee of Jurists, remarking that this method would not preclude a claim by a later member, admitted by the Assembly, to become an original member. Mr. Papánek pointed out that some States at this Conference might not subsequently ratify the Charter, and yet their names, with this method, would be listed in the Preamble as members.

The Chairman inquired whether there would be any objection in the Technical Committee to an Annex, and Mr. Oreamuno said that he doubted that there would be. He also said that membership of a State could not become effective until it had actually ratified. Mr. Golunsky contended that a State which signed the Charter, but did not ratify for, say, five years, would, with the present wording, be an original member. Mr. Oreamuno disagreed with this point. At this juncture, Mr. Darlington read the text adopted by Committee I/2 on Article 3. Mr. Bailey suggested that later states admitted by the Assembly should be required to deposit an instrument of accession to the Charter, and they thus would not be able to claim to have signed it.

Mr. Reid again questioned whether a distinction would be drawn by the signatories who ratify early and those whose ratification took place at a later date. The Chairman and Mr. Golunsky remarked that they thought no distinction would be drawn. Mr. Golunsky pointed out that the question had not yet been decided whether to set a dead-line for ratification precluding all those states ratifying later from being considered as original members. The Chairman said he thought no distinction should be made and said that in Article 3 a category is established of the original signatories establishing the Organization, and that "other" states are referred to in Article 4. Mr. Golunsky said that the Advisory Committee of Jurists had considered that the best way to make this distinction clear was to make a list. Mr. Liang remarked that the next question then was where to place such a list. Mr. Reid suggested the device used by the Chicago Civil Aviation Agreement, which has a list of members preceded by "it is provided by the undersigned governments", and that this is within the Charter itself.

## CHAPTER III

The Chairman interrupted this discussion to permit Mr. Darlington to report on suggestions made by the Advisory Committee of Jurists on that which was discussed earlier in the morning. Mr. Darlington then read the Jurists' report on certain minor changes in Chapter I, including the substitution of "the present Charter" for "this Charter".

> It was agreed that phrase "the present Charter" should be used through the Charter.

The Chairman asked again what the objections were to an Annex of names. Mr. Jebb remarked that this was employed at Versailles. Mr. Golunsky said that he could see no objections except from the point of view of style. The reason for the Annex, the Chairman said, was not to overburden any one Article. Mr. Fouques-Duparc thought that it might be wise to have a list of signatures embodied in a new, additional Article.

Mr. Darlington explained that the Technical Committee at first had not wanted any list, desiring to avoid any discrimination between the members, but that this opinion had changed in further meetings as they found some sort of list necessary. The Advisory Committee of Jurists wanted to place it in the Preamble, but now would not object to an Annex. Mr. Golunsky suggested an Article immediately following the Article on Ratification, which would explicitly say that "the States admitted to membership in the Organization, in accordence with Article 4, shall..." and then some process could be described by which they assume the obligations of the Charter. He said that the Advisory Committee of Jurists might draft such an Article, and the Chairman agreed that it was a task for them. Mr. Oreamuno inquired how the wording would read, with the suggestions already offered included, and the Chairman read the following: "The original members of the United Nations shall be the States which sign the present Charter and ratify it in accordance with provisions of Article 82", and then "membership in the Organization of the United Nations is open to all other peace-loving States which accept..."

Mr. Golunsky said that he preferred the word "initial" rather than "original", and said that the Advisory Committee of Jurists preferred the former. Mr. Bailey said that he believed the Technical Committee had never discussed the relative merits of "original" and "initial". Mr. Darlington explained that "original" always had been the word used by the Committee. Mr. Malcolm Davis, Executive Officer of Commission I, entered the discussion at this point to explain that the Committee originally adopted a text without either of the words, that this had been redrafted with the word "initial" included, which was adopted without any objection, and that he thought the choice between the two words had never been submitted to the Committee. The Chairman said he believed either term could be used and that the Technical Committee could say if it had any objection to it. This would then read "the original members of the..."

Mr. Oreamuno remarked that the draft of the subcommittee did not mention "United Nations", but instead uses "Organization", and the Chairman said this had to be employed to achieve uniform terminology.

Mr. Reid suggested that provision be made for the signing by those individuals who had been present at the Conference, but who had since departed. The Chairman remarked that he believed there should be a list of countries entitled to become original members of the Organization, to which Mr. Golunsky concurred. The Chairman thought they might refer the question to the Advisory Committee of Jurists, but Mr. Golunsky pointed out that the latter had discussed this question, that they were in favor of a list, and that no purpose would be served in bringing the question to them again. He added that this should be decided in the Coordination Committee.

Mr. Bailey thought that the signatories themselves form a list by signing, but Mr. Golunsky replied that if they have only signatures to form a list, then additional signatures could be added later.

Mr. Oreamuno asked if it were accepted that the character of original members becomes effective upon ratification, and the Chairman and Mr. Golunsky confirmed this impression.

Mr. Bailey desired the Advisory Committee of Jurists to pass on the question whether there may be some act necessary to close the category of signatories, and requested a form on that point. He also wished to ask whether there was any advantage in having a special list. Mr. Jebb pointed out that the list might be the same as the signatories, to which Mr. Golunsky agreed.

> It was agreed that the question of original members should be submitted to the Advisory Committee of Jurists.

The meeting adjourned at 1:20 p.m., to meet again that afternoon at 3 o'clock.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 422 (ENGLISH)
CO/196
June 25, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-FIFTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 16, 1945, 3:00 p.m.

Present:

| | |
|---|---|
| Australia | K. H. Bailey |
| Brazil | Antonio Camillo de Oliveira |
| Canada | N. A. Robertson |
| Chile | Félix Nieto del Río |
| China | Yuen-li Liang |
| Czechoslovakia | Jan Papánek |
| France | Jacques Fouques-Duparc |
| Iran | Ali Akbar Siassi |
| Mexico | |
| Netherlands | Adrian Pelt |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | H. M. G. Jebb |
| United States | Leo Pasvolsky |
| Yugoslavia | Stojan Gavrilovic |

The meeting was called to order by the Chairman, Mr. Pasvolsky at 3:10 p.m.

### CHAPTER V

### Article 23

Mr. T. Aghnides, Acting Chairman of Committee III/1, and Mr. Paul Pennoyer, Secretary of the Committee, were present for the discussion of Chapter V. The Secretary reported that Article 23 (WD 352; CO/139) had been referred back to Committee III/1 for a decision concerning the question as to whether a comma should be inserted after the phrase "due regard being specially paid". It was then pointed out by several members of the Committee that the French text was defective in a number of respects and the Chairman replied that this was because the English text had been taken as a basis and an effort had been made to find as close an equivalent as possible in French.

It was agreed that in paragraph (1) of the French text the order of "d'abord" and "spécialement" should be reversed; that the words "du Conseil de Sécurité" should be inserted after the words "membres non-permanents"; and the words "de l'Organisation" should be inserted after the words "par les membres".

There was considerable discussion as to whether there should be added to the French text the phrase "en premier lieu", without following it with "en second lieu", to correspond to the English text "in the first instance". A number of members made comments on this point and Mr. Golunsky, in particular, remarked that it was absolutely impossible to get an exact French equivalent.

The Committee agreed to shift "however" to follow after "the non-permanent members" in paragraph 2. There were no other comments on the English text of this paragraph.

It was generally agreed that a new French translation should be prepared for the Committee; the English text was accepted for first reading.

There were no comments on paragraph 3.

Article 24

The Secretary reported that Article 24 had been discussed by the Coordination Committee on May 28 and was revised by the Jurists on May 29 and by the Coordination Committee on June 5. Mr. Bailey raised a question concerning the title "the United Nations" and asked whether this was being treated in the singular or plural. The Chairman replied that the singular was correct, and suggested that in English the title should probably be accompanied by "The", capitalized, and this would have to be considered later.

There was then a discussion of the relative merits of the use of the words "responsibility" and "duties" in the English text and the use of the word "devoir" in the French text. Mr. Liang pointed out that the second time the word "responsibility" appeared in the English text of paragraph 1, the French text had used the word "devoir" and Mr. Golunsky asked whether the English word "responsibility" could have the two different meanings which are implied in the French words "responsabilité" and "devoir". Mr. Jebb felt that "responsibility" was incorrectly used in the English text; he pointed out that you discharge a duty but you carry out a responsibility. Mr. de Oliveira said the sense of the Committee draft had been changed by substituting "functions" for "duties". The Chairman suggested that the paragraph be altered to conform to the original Technical Committee text.

It was agreed to change the last phrase of the English text of paragraph 1 to read as follows: "...and agree that in discharging its duties under this responsibility the Security Council acts on their behalf;" and in paragraph 2, "In discharging its duties the Security Council shall act in accordance with the purposes."

It was agreed that the word "principale" be substituted for the word "essentielle" in the French title and text of the article. It was further agreed to change the French text to read as follows: "... ses membres confèrent au Conseil de Sécurité la responsabilité ~~essentielle~~ principale ~~pour~~ du le maintien de la paix et de la sécurité internationales et reconnaissent que'en s'acquittant des ~~ce~~ devoirs, que lui impose cette responsabilité le Conseil de Sécurité agit en leur nom."

It was decided to omit in the French text the words "doit", "propres", "et ailleurs dans la Charte", and to substitute for "d'exécuter sa tâche", the words "d'accomplir les dits devoirs".

In view of the changes made in the English text it was agreed that it would be desirable to consider the French text again.

Another question considered in connection with Article 24 was the reference in paragraph 2 to the enumeration of specific powers of the Security Council as mentioned in Chapters VI, VII, and VIII, an addition by the Secretariat of the words "and elsewhere in this Chapter". Mr. de Oliveira said he thought that this phraseology was intended to enlarge the powers of the Security Council, whereas the intent of the Committee had been to restrict its powers. Both he and Mr. Aghnides expressed apprehension lest these words imply an enlargement of the Council's powers. Inclusion of these words implied that the Council should use its powers to maintain peace only under Chapters VI, VII, and VIII, not "elsewhere", and this had not been the intent of the Committee.

Mr. Golunsky said that if the phrase "elsewhere in this Charter" were not included, it would imply that the powers not enumerated in this paragraph need not be carried out in accordance with the Purposes and Principles of the Charter. Mr. Robertson said he felt there was some valid distinction provided by these words, because some of the other functions of the Security Council not enumerated in paragraph 2 did not imply that the Security

The Council was acting on behalf of the Organization, whereas, the Security Council, with respect to the Chapters enumerated in paragraph 2, was acting on behalf of the whole Organization. The Chairman pointed out that the powers mentioned in this paragraph were not the only functions of the Security Council; and it had never been the intention to limit the functions of the Security Council by the functions stated in Chapter VIII. But this was a chapter on "primary responsibility" and the functions mentioned in Chapters VI, VII, and VIII were the functions of the Security Council relating to the primary responsibility for the maintenance of peace and security. The Security Council had electoral functions other than those mentioned in Article 27; in fact, Article 27 should really be considered in connection with Article 24. The Council had duties in connection with the Assembly, the Secretariat, the Trusteeship Council, Membership, and the Court, as well as other duties mentioned throughout the Charter. It should be possible to enumerate these various functions so that it would not be necessary to search through the whole document in order to find the powers of the Security Council.

Mr. Bailey did not agree with Mr. de Oliveira that the Technical Committee intended to limit the powers of the Security Council by this Article. He suggested that the original text in the Dumbarton Oaks Proposals on which this paragraph was based had been intended only as a statement of fact. The reference to other powers was only a cross-reference; it neither conferred nor limited the powers of the Council. In his opinion it had no place in the Charter but was simply a useful memorandum for reference purposes. If it were to remain in the draft, it should be clear it was only as a reference. Mr. Liang agreed with an earlier suggestion that had been made by Mr. de Oliveira that the mention of specific powers did not belong in a Chapter on primary responsibilities. Furthermore, the second sentence of paragraph 2 did not connect in substance with the first sentence, and it was not in the Committee draft. In his opinion, the first sentence of paragraph 2 was closely related to the first paragraph; but the second sentence did not follow logically.

> It was agreed that in the first sentence of Article 24, paragraph 2 "these duties" should be substituted for "responsibility", that the second sentence should read "The specific powers granted to the Security Council for the discharging of these duties are laid down in Chapters VI, VII, VIII", and that "and elsewhere in this Chapter" should be omitted.

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## DISCUSSION OF TIME SCHEDULE

The Chairman asked the Committee to consider the tentative time schedule for its work since it had been arranged with the Chairman and Rapporteurs of the Technical Committees to meet with the Coordination Committee at fixed hours for a discussion of their Committees' texts in order to make sure that the Coordination Committee and the Technical Committees agreed on the meaning of each text. In addition to arequirement that the Committee should attempt to finish this phase of its work by Monday evening, it was necessary to adhere to a time schedule because certain of the Chairmen could come only at certain hours.

Mr. Golunsky protested that the suggested schedule was unreal and incapable of fulfillment. He said he felt the members were deceiving themselves and the officers of the Conference by implying that the Committee could carry out such a schedule. For example, the plan at present allowed about one hour for each chapter, which averaged five minutes for each article; the meetings to date demonstrated that this was not enough time. Mr. Jebb agreed that at the present rate it would be impossible to finish by Monday night. He said the only way in which this schedule could be maintained would be by simply glancing at the texts and initialing them without looking at them.

Mr. Bailey felt that the Presidents of the Conference should be advised that the Coordination Committee could not produce a satisfactory text which would be up to the standards that the sponsoring Governments and the Conference officers had a right to expect. He said there could be listed, even now, some half dozen points of serious ambiguity in the text which the Committee had not yet had time to resolve; and there would be many more ambiguities before the first reading of the Charter had been completed.

There was also considerable discussion as to the way in which the French text should be reviewed and Mr. Robertson asked whether it might be possible to have a subcommittee from the French-speaking delegations work on the French text and collate it with the English. Mr. Fouques-Duparc said that this would not serve the purpose of the Committee. The problem was not one of French translation, as the present texts in most cases were entirely adequate. The problem was one of concordance, and arriving at exact meanings simultaneously in the two languages. It was a question of substance, not just drafting. In some cases it was necessary to change the English rather than the French text in order to express accurately and clearly a particular idea. He felt that a Charter was being drawn up which should serve the world for many years to come, and it was more important to produce a good Charter than to try to save a few days of time.

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The Chairman asked Mr. Fouques-Duparc whether he could suggest a few French-speaking members to serve as a small subcommittee to study the French text, but Mr. Fouques-Duparc replied that he thought this would be impossible. A study of the French text alone was not the real problem, and that there was already a French group prepared to work on the final French text of the Charter.

It was agreed that, as a temporary measure, the Coordination Committee would not attempt to examine the French text for its literary quality, that the French interpretation would be dispensed with as much as possible, and that some effort would be made to set up a small French group to cooperate with the Committee in the final reading. It was also agreed that meetings would not last beyond 11:00 p.m. since all of the members expressed themselves as completely exhausted by that time of night. Every effort would be made, however, to cooperate with the officers of the Conference in completing the Committee's work by Monday.

## CHAPTER V (continued)

### Article 25

This Article was accepted without discussion.

### Article 26

This Article was accepted with only one change; namely, the transposing of the phrase "with the assistance of the Military Staff Committee" to follow the words "for formulating".

### Article 27

Mr. Bailey raised a question, not only in connection with this article but with the Charter as a whole, as to when the words "United Nations" and when the word "Organization" was used. The Chairman replied that was being looked at by another group and a uniform practice would be adopted in the Charter as a whole.

The Chairman pointed out that there was a question whether there should be a section called "Election of Judges"; or whether there should be a section entitled "Other Functions". The Secretary said the heading should be struck out.

Mr. Golunsky felt that if Article 27, providing for participation in the election of judges of the International Court, were kept in the Charter, that there should be included mention of the other electoral functions of the Council; there was a special clause in the Chapter on the Assembly. The Chairman said that there had been some consideration of having this as an "omnibus article" enumerating the other functions of the Council.

Mr. Golunsky thought the paragraph could, in that case, follow Article 24, but on the other hand, Articles 24 and 25 were closely connected and should not be seperated. It was suggested that the articles of this Chapter could appropriately be entitled "Primary Responsibilities", "Other Functions" or "Miscellaneous Provisions", "Dispositions generales"; or "Other functions and powers", and "Voting".

It was agreed to consider this matter again when the Charter was read as a whole.

### Article 28 and Article 29

These Articles were accepted without discussion.

### Article 30

This Article was accepted with the understanding that in a final reading the cross-references to other Articles should be carefully checked.

### Article 31

This Article was approved without discussion, but with the suggestion that "Headquarters" should be capitalized in paragraph 3.

### Articles 32, 33, and 34

These Articles were accepted without discussion, except for the suggestion that the second time the words "Security Council" appeared in Article 34, the word "it" should be substituted; and the last word of the French text should be "affectés" instead of "en jeu".

### Article 35

Mr. Liang objected to the phrase "not having a seat on the Security Council", and Mr. Robertson took exception to the concluding clause of the paragraph, "as it may deem just for the participation of such a non-member". Mr. Bailey suggested "any member of the United Nations which is not a member of the Security Council", which was accepted by other members of the Committee.

The Chairman pointed out this change made the phrase "non-member" in the second sentence ambiguous. It was agreed to adopt the phrase suggested by Mr. Bailey, "The Security Council shall lay down such conditions as it may deem just for the participation of a state which is not a member of the United Nations".

Mr. Liang asked whether the Committee was responsible for the French text, and the Secretary replied it was not.

The Article was adopted with the change indicated.

## CHAPTER VII

There was some discussion of the chapter heading (WD 355; CO/142) and it was generally agreed that this was a long and awkward title. Mr. Golunsky said, on the other hand, that it was quite accurate, but Mr. Liang called attention to the fact that the words "breach of the peace" had been left out.

Mr. Jebb felt that the important idea in this chapter was the restoration and maintenance of peace and security but that the word "enforcement" alone would not be comprehensive enough for the title. Mr. Golunsky thought "enforcement" might be used; and there was a consideration of the use of only certain portions of the title.

It was decided to substitute tentatively the title "Action with respect to threats to the peace, breaches of the peace, or acts of aggression".

### Article 43

This article was adopted with the insertion of a comma after "recommendations" and after "46".

### Article 44 and Article 45

Those articles were adopted without any substantive discussion, but some omissions in the French text were noted, including the word "économiques" after "communications".

### Article 46

Mr. Robertson said he thought the word "action" should be used for the use of physical forces, and "measures" for other matters. The Chairman said this was being studied with regard to the whole Charter.

This article was adopted with several changes in the French text, including the replacement of the word "seront" by the word "seraient".

### Article 47

There was some discussion of both the French and English texts of the phrase in paragraph 1 "including rights of passage", and the phrase in paragraph 2 "numbers and types of forces". Mr. Jebb said the military authorities he had consulted said that "rights of passage" were specific rights based on special agreements, and he favored retention of the wording. The French text in paragraph 1 was changed from the plural to the singular form "le droit" in the last phrase.

In paragraph 3 there was some discussion of an earlier decision to drop the use of the word "states" in connection with "member states" but it was finally agreed to leave the text as drafted.

The article was adopted.

Article 48 (formerly Article 47X)

There was a continuation of the discussion which had arisen earlier over the use of the words "use of force" or "take action under Article 46", and a small Subcommittee consisting of Messrs. Jebb, Robertson, and de Oliveira was asked to make a report.

There was then a lengthy discussion of the meaning of the words "call upon" in the English text and the use of the words in the French text "inviter" and "requérir", which were used in Articles 44 and 47 as the French equivalent of "call upon". Asked whether "call upon" meant "to invite", Mr. Jebb suggested it was more in the nature of an appeal; Mr. Liang expressed the view that the English word "invite" was too courteous to use. Mr. Robertson said that the verb "call upon" was weakened in Article 44 because the failure to comply with this request was implied in the same sentence. Mr. Jebb said that the requirement to supply armed forces was a definite and strict obligation and one which did not imply a choice; and Mr. Bailey said that if a duty were implied "require" could be used.

Mr. Golunsky said that "inviter" could be used as the French equivalent in Article 44, but he did not see how it could be used in Article 48. Mr. Fouques-Duparc said it would be impossible to use "requérir" as an equivalent for "call upon" in Article 44. He explained that "requérir" would not be good French in Article 45, but was the appropriate word for Article 48. He said this was because "inviter" means to do something and you can request somebody to supply armed forces. Finally, Mr. Fouques-Duparc was asked to study this question and to bring in a solution.

Article 49 (formerly Article 48)

This article was accepted with the transposition of the phrase "by the Security Council with the assistance of the Military Staff Committee" to the last part of the article.

### Article 50

This article was accepted without discussion.

### Article 51

Mr. Fouques-Duparc suggested the following change in the opening sentence of the French text:

> "Il est établi un Comité d'Etat-Major en vue de conseiller et d'assister le Conseil de Sécurité pour tout de qui concerne.........."

There was considerable discussion about the exact implications of the opening phrase of the English text, "There shall be established". Mr. Bailey said he felt an ambiguity had been created by re-inserting these words. The question was whether the Charter itself established the Military Staff Committee, or whether it would still remain for some other body to set up the Committee. In the one case, it would be better to say "There is established"; in the other,"The Security Council shall establish".

Mr. Golunsky expressed the view that it might be more correct to say that the Security Council should establish the Committee; Mr. Bailey agreed that the Council was required to take action concerning the Committee, but that it had no discretion concerning the personnel of the Committee or the fundamental decision that it should be established.

The Chairman said it appeared to him that the Military Staff Committee bore a relationship to the Council similar to that which the Economic and Social Council bore to the Assembly. The Economic and Social Council would function under the Assembly, but was established by the Charter; the Military Staff Committee would function under the Council but was established by the Charter and its membership specified. Mr. Liang said he felt that no new act was required to set up the Committee and that the present wording was adequate. Mr. Bailey continued to feel that there was some ambiguity in the first sentence because the Council had discretion as to the time of establishment. He wondered whether there would be an objection to say "there is established"; but Mr. Golunsky felt that it was not ambiguous if read in connection with the entire paragraph. Neither he nor Mr. Liang felt this acceptable for translation into Russian and Chinese.

The suggestion was made by Mr. Bailey, and accepted by the other members, that "such a member" at the end of paragraph 2 should be replaced by "that member".

The article was adopted as modified, with the understanding that the French text would be discussed later, after consultation with the French military advisers.

## Article 52 (Formerly Article 49)

Mr. Jebb referred to an alternative wording suggested by Mr. Robertson, "members agree to take, separately or jointly as the case may be,.....". The Secretary pointed out that the Article had a similar wording to that in Article 25, and he read an alternative text. Several questions were raised about this Article. The Chairman said the real need was to find language to say that members should act by means of "measures which are under their own control and through actions as members of appropriate specialized organizations." He asked that a small subcommittee, consisting of Mr. Bailey, Mr. Liang, Mr. Pelt, and Mr. Reid, consider the question and bring in a new draft.

## Article 53 (formerly Article 52)

This article was adopted without discussion.

## Article 54 (formerly Article 53)

Mr. Fouques-Duparc pointed out a possible interpretation which might be made in the present text. "Any state" might be interpreted as a state against which enforcement action had been taken but which, finding itself confronted with economic problems, might appeal to the Council for aid. It was agreed that this was a very far-fetched interpretation, but Mr. Fouques-Duparc felt that no possibility of this kind should be permitted to exist in the Charter. Mr. Jebb suggested the phraseology "any states other than those against which action is being taken".

Mr. Bailey responded to the Chairman's request to have his subcommittee examine this article also.

The meeting adjourned at 6:30 p.m.

*The United Nations Conference on International Organization*

RESTRICTED
WD 426 (ENGLISH)
CO/190
July 25, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-SIXTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 16, 1945, 8:00 p.m.

The following members were present:

| | |
|---|---|
| Australia | -- K. H. Bailey |
| Brazil | -- Cyro de Freitas Valle |
| Canada | -- N. A. Robertson |
| Chile | -- Félix Nieto del Río |
| China | -- Yuen-li Liang |
| Czechoslovakia | -- Jan Papánek |
| France | -- Jacques Fouques-Duparc |
| Iran | -- Dr. Ali Akbar Siassi |
| Mexico | -- Alfonso García Robles |
| Netherlands | -- Adrian Pelt |
| U.S.S.R. | -- S. A. Golunsky |
| United Kingdom | -- H. M. G. Jebb |
| United States | -- Leo Pasvolsky |
| Yugoslavia | -- Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, introduced Sir A. Ramaswami Mudalia, Chairman of Committee II/3.

## CHAPTER IX

### Article 58

The Committee resumed discussion of Article 58 (Doc. WD 357; CO/143).

The deletion of the comma after "nations" was made at the request of Sir Ramaswami Mudaliar in order to make it clear that the phrase "based on .." modified "friendly relations among the nations".

> The Committee agreed to delete the comma in line 5 after "nations," but to maintain the corresponding comma in the French Text.

> The clause tc read:... "necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples," ...

In the discussion of the enumeration of objectives, Sir Ramaswami Mudaliar insisted that to single out "international cultural and educational cooperation" as an independent objective of the Social and Economic Council would be contrary to the intention of Committee II/3. Its relationship with "economic, social, health and related problems" should be maintained, while at the same time it should be clear that grammatically "international cultural and educational cooperation" constitutes an object of the verb "promote". The insertion of "and" before "international cultural and educational cooperation" was accepted by Sir Ramaswami Mudaliar and agreed to by the Committee as indicating correctly the intentions of Committee II/3.

> *The Committee agreed to restore the guiding letters (a) (b) (c). In line 15, after "related problems;" it was decided to maintain the semi-colon and to insert "and" before "international cultural and educational cooperation". The Article then read:*

> ".... United Nations shall promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international, economic, social, health and related problems; and international cultural and educational cooperation; and (c) universal respect for . . . ."

Mr. Golunsky reserved the position of the U.S.S.R. with regard to this decision.

Mr. Jebb put forward the suggestion that the statement of purposes in Article 58 should be removed from this Article and inserted in Paragraph 3 of the chapter on "Purposes". The opening words of Article 58 might then be inserted as the opening words of Article 59. Such a rearrangement was necessary because each Technical Committee had been discussing the Charter without full knowledge of what was being done in other Technical Committees. The Chairman in reply suggested that other chapters would present the same problem of overlapping as Chapter IX and that it would be best to review the Charter from this point of view when the Committee had the whole Charter before it.

*Article 60*

> *The Committee requested the Committee of Jurists to advise it whether "agencies established by intergovernmental agreement" has the same legal meaning as "intergovernmental agencies".*

Sir Ramaswami Mudaliar drew attention to the need of ascertaining that the phrase adopted, whether it be "inter-governmental agencies" or "agencies established by inter-governmental agreement," embraced organizations such as the International Labor Organization. The reference of this question to the Committee of Jurists was suggested.

Discussion arose regarding the meaning of the phrase "wide international responsibilities" in Article 60. Mr. Bailey inquired whether it was the intention of Committee II/3 to exclude purely bilateral agencies from the agencies referred to in Article 60. Sir Ramaswami Mudaliar pointed out that the essential word was the word "shall"; "the various specialized agencies ... shall be brought into relationship with the United Nations". This was a mandatory provision, and it was the view of the Committee that only organizations with wide international responsibilities should compulsorily be brought into relationship with the Economic and Social Council. The word "wide" related to "international" and not to "responsibilities". It was intended that world-wide agencies should definitely be brought into the Organization, but it was desired to leave to the discretion of the Economic and Social Council the decision whether an agency of two governments should be included. The Chairman observed that in his view it was desirable to rest content with the vague word "wide".

## Article 62

The Committee discussed the need for a phrase which would refer to the powers of the Economic and Social Council, and which would provide a link between this chapter and Chapter IX (X). Mr. Robertson suggested the addition of certain words at the end of the article, to which the Committee agreed.

> The Committee agreed to add at the end of Article 62 a clause reading: "... which shall have for this purpose the powers set forth in Chapter IX (X)".

## CHAPTER IX (X)

This Chapter (Doc. WD 358; CO/144) was discussed in great detail with particular reference to the elimination of repetitive enumerations, the standardizing of the language and the arrangement of the material. Owing to a general decision to consolidate the entire text before again considering it, there is appended to this Summary Report a comparative table of the articles as they appeared in WD 358;CO/144, which was before the Committee at this meeting, and WD 397; CO/144 (1), which resulted from the decisions indicated above.

### Article 63, paragraph 2

The Committee deleted the comma after "year", to make the clause read: "elected each year for a term of three years".

### Article 64

The text of Article 64 was recast to read:

"The Economic and Social Council shall perform, in connection with the carrying out of the recommendations of the General Assembly, such functions as fall within [the sphere of its responsibility] its competence." (See under Articles 64-79, below.)

### Article 65

Mr. Robertson proposed the deletion of the words "or initiate" in the phrase "to make or initiate studies and reports". After discussion of alternative words the Chairman expresses the conclusion of the Committee that the words "or initiate" should be retained in order to give full expression to the thought.

### Articles 65 and 66

Attention was drawn by Mr. Fouques-Duparc to the repetitive enumeration in Articles 65 and 66 of the subjects with which the Economic and Social Council would deal.

The Committee decided to combine Articles 65 and 66 as separate numbered paragraphs of a single article, Article 66 as the second paragraph to read:

"2. The Economic and Social Council shall have the power to make recommendations with respect to any such matters to the General Assembly, . . ."

### Articles 69 and 72

The Chairman observed that since Article 60 specified the nature of the agencies to be brought into relationship with the United Nations, it was unnecessary to repeat the terminology describing these agencies in later articles.

The Committee decided:

> (i) In Article 69 to delete the words "economic, social, cultural, educational, health and other".
>
> (ii) In Article 72 to omit the words "organizations or" and the words "with respect to economic, social, cultural, educational, health, and related matters"; and to insert the word "the" after "at the request of", the clause to read: ... "at the request of the specialized agencies brought into relationship with the Organization, subject to the approval of the General Assembly.".

Articles 64-79

Attention was drawn to the following variations of phraseology:

In Article 64: "within the sphere of its responsibility".

In Article 67: "within its competence".

In Article 71: "within the scope of its functions".

In Article 74: "within the general scope of its competence".

In Article 76: "in the sphere of its competence".

In Article 79: "within the competence of the Council".

Mr. Robertson put forward the suggestion that these variations of limitative phraseology, and also the necessity of repeatedly enumerating the subjects with which the Economic and Social Council might deal, might be avoided by insertion at the end of Article 62 of the words "which shall have for this purpose the powers set forth in Chapter IX (X)". (See above) Sir Ramaswami Mudaliar observed that the limiting phrase was essential in certain articles, e.g., Articles 67 and 71, but that in Article 74 it might be dropped. The Chairman concluded that, if retained, the limiting phrase should be made uniform. He expressed the opinion that the addition proposed by Mr. Robertson would, however, be useful.

> The Committee agreed to delete from Article 74 the words: "within the general scope of its competence".

The Secretary was requested to revise the text of the other articles in question with a view to the uniform usage, where necessary, of the phrase: "within its competence".

### Articles 68 and 69

The Chairman proposed the amalgamation of these articles.

The Committee agreed to combine Articles 68 and 69 in a single article in two paragraphs, of which Article 69 should be the first.

The Committee agreed that the text of Article 68 should be revised in the manner necessitated by this change of position.

The Chairman proposed the following redraft of Article 68:

> "The Economic and Social Council may enter into agreements approved in each case by the General Assembly with the appropriate authority of any of the specialized agencies referred to in paragraph 60, defining the terms on which the specialized agencies shall be brought into relationship with the United Nations."

### Articles 75 and 76: Insertion of headings

The Secretary drew attention to the omission of the headings preceding articles 75 and 76 which had occurred in the process of mimeographing. It was necessary to insert the side heading "Voting" before Article 75 and the side heading "Organization and Procedure" before Article 76.

### Article 76

Sir Ramaswami Mudaliar expressed concern regarding the new text of this Article. The Dumbarton Oaks Proposals had provided for the establishment of a social and an economic commission. The Technical Committee had sought to make it clear in the text adopted by it that several committees might be set up for economic and social purposes. The new text appeared to mark a return to the Dumbarton Oaks idea of one social commission and one economic commission. Mr. Golunsky and Mr. Jebb assured Sir Ramaswami Mudaliar that this was not the effect of the new text. To make this more clear, Mr. Jebb proposed the deletion of the definite article in line 3.

The Committee deleted "the" after "shall set up commissions in." to read: "...shall set up Commissions in economic and social fields."

The Committee also decided to delete the words "in the sphere of its competence" and to substitute the words "for the performance of its duties."

Article 77

Mr. Jebb inquired whether this Article bore the interpretation that it was for the Economic and Social Council to decide whether any matter is of particular concern to a member. Sir Ramaswami Mudaliar confirmed that this was so.

Article 78

The Committee deleted the words "organizations and" in lines 4 and 14, reducing the phrase to specialized agencies".

The Committee made this change applicable to the whole Chapter.

Article 79

Attention was drawn to the difference in phraseology between the opening words of Articles 78 and 79. Sir Ramaswami Mudaliar explained the reason for the use of the word "suitable" to qualify the word "arrangements" in Article 79, though the word "arrangements" was not so qualified in Article 78. Appropriate arrangements had to be made for the purposes of consultation envisaged in Article 79, whereas the arrangements regarding participation envisaged in Article 78 were of a more simple nature. He expressed his agreement, however, with the deletion, of the word "suitable" in Article 79.

On Mr. Liang's suggestion the words "may be made with" were substituted for the words "may apply to" in the second sentence of Article 79.

The Committee redrafted Article 79 as follows:

> "The Economic and Social Council may make arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be

made with international organizations and, where appropriate, with national organizations after consultation with the member state concerned."

Article 81

The Committee substituted "convening of meetings" for "the calling of a meeting" in line 5 of Article 81 (2).

General Arrangement of Articles

In reply to a proposal to transfer Article 62 to a position immediately after Article 59, the Chairman explained the basis of the arrangement adopted for the articles on international economic and social cooperation. Chapter IX dealt with international economic and social cooperation in general. The first article within this chapter provided for the establishment of a system of international economic and social cooperation. The second article contained the pledge of members to cooperate for these purposes. The third and fourth articles provided for the extension of international economic and social cooperation through specialized agencies. Finally, it was laid down that responsibility for all these functions should be vested in the General Assembly, and, under its authority, in the Economic and Social Council.

Mr. Bailey observed that the articles relating to the Economic and Social Council would be more easily comprehensible if they were grouped together. It was possible to distinguish three or four groups of articles. The first group related to the powers of the Economic and Social Council. The second group related to duties of the Council connected with the functions of other organs of the Organization. The third group concerned relations with the special agencies.

The Committee asked Mr. Bailey to prepare for the Committee an enumeration in groups of the articles relating to the Economic and Social Council.

## CHAPTER IV (Doc. W.D. 336; CO/133)

The Chairman of Committee II/1, Hasan Saka, and the Rapporteur of Committee II/2, Julio Franco y Franco, were present.

Article 10

No observations were made on this article.

### Article 11

Consideration of Article 11 was deferred owing to changes reported to have been introduced in the text during the afternoon.

### Articles 11 and 12: Arrangement

Mr. Bailey suggested that objections raised to the wording "without limiting the generality of the preceding paragraph" in Article 12,1, might be met by amending this wording to read "without limiting the general scope of the powers conferred by the preceding paragraph". He remarked that this would bring the English text into very close accord with the French text. Mr. Golunsky expressed his preference for the wording "without limiting the general scope of Article 11" and pointed out that in this form the English text would correspond still more closely with the French text.

An explanation was given by the Secretary of the parentheses in Article 12 1b. Objection had been raised to the former text on the grounds that a period was contained between two semicolons, and the use of parentheses had been resorted to in order to avoid this wrong punctuation.

Further criticism was directed against the form of Article 12 on the grounds that it was too long and complicated. A rearrangement of the text proposed by the Chairman was accepted.

The Committee decided

(i) to delete the first paragraph of Article 12 which reads: "1. In particular . . . the General Assembly may:"

(ii) To delete the letters a, b, c denoting the paragraphs of Article 12 and to substitute therefor the numbering 1, 2, 3.

(iii) To insert at the commencement of those paragraphs the words: "1. The General Assembly may consider . . . ;" "2. The General Assembly may discuss . . ." "3. The General Assembly may call . . ."

(iv) In new paragraph 2 to insert a period after "both" in line 13; to delete the parentheses enclosing the sentence which follows: to write the words within parentheses as an independent sentence; and to delete the final "and".

(v) To conclude Article 12 with the following paragraph:

> "4. The powers of the General Assembly set out in the preceding three paragraphs shall not limit the scope of Article 11."
>
> (vi) To delete "2" before "While the Security Council" and to make this paragraph a separate article 12 X, divided into two numbered paragraphs: "1. While the Security Council . . . " and "2. The Secretary General shall . . ."
>
> (vii) To insert a comma after the words "dealt with by the Security Council," and to change the word "also" to "similarly".

The Committee adjourned at 11:15.

# Chapter XI and IX (X)

## Rearrangement of Articles Decided Upon at the 26th Meeting of the Coordination Committee

### Chapter IX

| WD 357; CO/143 | WD 394; CO/143 (1) |
|---|---|
| Article 58 | Article 58 |
| Article 59 | Article 59 |
| Article 60 | Article 60 |
| | Article 61<br>(derived from Chapter IV, Article 15 (WD 336; CO/133) and Article 69, (WD 358; CO/144). |
| Article 61 | Article 62 |
| Article 62 | Article 63 |

### Chapter IX (X)

| WD 358; CO/144 | WD 397; CO/144 (1) |
|---|---|
| Article 63, 1-3 | Article 63, 1-3 |
| Article 64 | Article 68, 1 |
| Article 65 | Article 64, 1 |
| Article 66 | Article 64, 2 |
| Article 67 | Article 64, 3 |
| Article 68 | Article 65, 1 |
| Article 69 | Article 65, 2 |
| Article 70 | Article 66, 1 and 2 |
| Article 71 | Article 64, 4 |

| | |
|---|---|
| Article 72 | Article 68, 2 |
| Article 73 | Article 67 |
| Article 74 | Article 68, 3 |
| Article 75, 1 and 2 | Article 69, 1 and 2 |
| Article 76 | Article 70 |
| Article 77 | Article 71 |
| Article 78 | Article 72 |
| Article 79 | Article 73 |
| Article 80 | Transferred to Chapter X (final Chapter XV, Article 101, 2). |
| Article 81 | Article 74 |

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 427 (ENGLISH)
CO/191
AUGUST 18, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-SEVENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 17, 1945, 10 a.m.

The following members were present:

**Australia** -- K. H. Bailey
**Brazil** -- Cyro de Freitas Walle
**Canada** -- N. A. Robertson
**Chile** -- Absent
**China** -- Yuen-li Liang
**Czechoslovakia** -- Jan Papánek
**France** -- Jacques Fouques-Duparc
**Iran** -- Dr. Ali Akbar Siassi
**Mexico** -- Absent
**Netherlands** -- Adrian Pelt
**Union of Soviet Socialist Republics** -- S. A. Golunsky
**United Kingdom** -- H. M. G. Jebb
**United States** -- Leo Pasvolsky
**Yugoslavia** -- Stojan Gavrilovic

**Also present were the following:**

**Greece** -- John Sofianopoulos, Chairman of Committee III/1

**Turkey** -- Hasan Saka, Chairman of Committee I/1

The Chairman, Mr. Pasvolsky, opened the meeting on the continuation of the text of Chapter IV (Doc. WD 336, CO/133).

### Article 12

Discussion opened with consideration of Article 12.

The Committee agreed that each of the first three numbered paragraphs of the Article should begin:
"The General Assembly may . . . . "
"any member or members"

Mr. Robertson suggested that "any member" in paragraph 2 would mean that all members possessed the right and no purpose was served by retaining "or members". Mr. Bailey and Mr. Golunsky cited as a sound rule that words of the singular should include the plural. The Secretary of the Technical Committee perceived no objection to the proposal. Discussion showed that it was desirable to make clear that states could bring questions relating to international peace and security before the General Assembly either individually or collectively. A state which hesitated to bring up a question itself should not be hampered in bringing it up in association with other members.

The Committee deferred a decision as to whether "any member" ensured both individual and collective action to the same extent as "any member or members".

The Committee instructed the Secretary to note and list where the phrase "any member or members" occurred throughout the Charter. The Committee would then consider the phrase in relation to all instances.

Mr. Liang raised the question as to the necessity of including "or both" in line 13. Mr. Fouquier-Duparc thought the words could be deleted. The Secretary of Technical Committee II/1, Mr. Brown, explained that after long consideration Committee II/1 had decided to retain the phrase in order to indicate that the Assembly could send its recommendations simultaneously to the Security Council and to the states members.

The Committee agreed to ask the Jurists whether or not a legal meaning would be affected by the omission of: "or both".

The French text read "recommendations soit aux governments, soit au Conseil." The Chairman asked in the course of the discussion whether use of "government" instead of "members" would not meet the requirement. He also pointed out that the recommendations might be made to others than the members concerned in the dispute. Mr. Jebb suggested "state or states concerned" after a discussion of the alternatives "government" or "state".

The Committee changed "members" to "state or states concerned".

### Rights of non-members

The Secretary, Mr. Darlington, read a letter from the Jurists' Committee which pointed out that Article 12, paragraph 2, failed to state that non-member states should have the right to bring matters to the attention of the General Assembly. Committee III/2 felt that they should have this right.

The Chairman said that paragraph 2 of Article 38 (Doc. WD 371; CO/152) gave non-members this right in qualified fashion: provided they accept in advance, for the purposes of the settlement of a dispute, the obligations set forth in the Charter. At the same time, however, Article 38 gave members an unlimited right to bring questions before the Security Council and General Assembly.

The Committee agreed to insert in line 7 following "Security Council" the phrase: "or by a non-member state in accordance with the provisions of Article 38, paragraph 2."

The Chairman observed that it should be determined whether or not the terms of the Article as amended were broader than the terms of Article 38.

The Committee decided to ask the Jurists whether or not the language of the new text included all the rights which accrued to member states as a result of Article 38. The Committee agreed to change the reference to: "paragraph 2" to "Article 12".

### Paragraph 4

The original introductory clause of Article 12, in view of the rearrangement previously decided upon, was recast as paragraph 4.

The Committee adopted the following text:

"4. The powers of the General Assembly set out in the preceding three paragraphs shall not limit the general scope of Article 11".

## ARTICLE 12X

In the second sentence of this new Article, previously Article 12, paragraph 2, Mr. Golunsky said it was not clear whether the consent of the Security Council was required for the first notification by the Secretary-General or for both of them. The Secretary, Mr. Darlington, read a statement authorized by the Chairman of Committee II/2 that it intended the words "with the consent of the Security Council" to apply to both types of notification. Mr. Bailey suggested transposing the clause and putting the two parts of the verb together as "shall notify". Breaking the sentence in two or dividing it by a semicolon were suggested and rejected.

> The Committee divided the Article into two numbered paragraphs.
> The Committee rephrased paragraph 2 as follows: "2. The Secretary-General, with the consent of the Security Council shall notify ..."

## ARTICLE 13

The Secretary, Mr. Darlington, presented a text for Article 13 which combined drafts from Committee II/2 and Committee II/3 (Doc. WD 339; CO/49 (4). In this text the three subparagraphs were distinguished by letters and depended on the infinitive "to promote", having as objects "international cooperation", "encouragement", etc. The text discussed from Doc. WD 336; CO/133 did not distinguish subparagraphs by letters and the enumeration depended upon the phrase "for the purpose of," having as objects "promoting international cooperation", etc.

> Decision: It was agreed in line 12 to substitute "encouraging" for "the encouragement of"; to insert semi-colons in line 7 after "health fields" and in line 12 after "or religion"; in line 8 to delete "and"; and in line 15, to delete "for".

### French Version

> The Committee referred the following points back to the language panel:

1) Whether "intellectuel" rendered "cultural; educational" in the English text. Committees II/2 and II/3 had ruled differently;

2) "pour assurer ... la jouissance" rendered "assisting in the realization"; and

3) whether "provoquer" rendered "initiate".

### "human rights and freedoms" and other formulae

Mr. Jebb explained that the phrase "human rights and basic freedoms" which occurred in Article 13 abounded throughout the Charter in several forms. He suggested that one formula be selected and used once; and that subsequently only a reference be made to that formula. The Secretary, Mr. Darlington, explained that his office was compiling a list of such formulae for the Committee to standardize.

> The Committee requested the Secretary to ask the Jurists to rule whether or not the legal significance of these formulae would be in any way affected if they were mentioned only once in the Charter and with references to them elsewhere; and in this case to indicate what the proper placement of them would be.

N.B. For further decisions taken concerning Article 13, see report on Article 15 below.

## ARTICLE 14

> In the second line the Committee substituted "Article 12X" for "Article 12, paragraph 2".

### "States" versus "nations"

The Secretary, Mr. Darlington, reported that officers of the Committee concerned had questioned the change of "nations" to "states" in the phrase "friendly relations among states".

> The Committee agreed to restore the word "nations".

The final phrase of Article 14 was considered confused and a departure from the original intent of the paragraph.

The Jurists on June 9 had changed "situations resulting from a violation of the Purposes" to "situations resulting from actions contrary to the Purposes". Mr. Golunsky said the Article was very important and should not be changed. Mr. Jebb said it was difficult to see how you can "violate a purpose", but since purposes and principles made one unit no harm seemed to be done. Mr. Liang also believed the original Committee text should be followed and that the violation could be a violation of the whole. Mr. de Freitas Valle proposed "provisions set forth"; Mr. Jebb proposed "provisions of the present Charter".

The Committee made the last clause read: "including situations resulting from violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations".

## ARTICLE 15

The relation between Article 15, Article 13 and the similar provisions in Chapters IX (X), particularly Articles 62 and 69 (Docs. WD 357; CO/143 and WD 358; CO/144), was questioned by Mr. Jebb. Mr. Golunsky said that the powers of the General Assembly with respect to the Economic and Social Council were mentioned in the chapters dealing with each of them. The Chairman said that the general theory was that the General Assembly was the coordinating body for those functions and that the Economic and Social Council, acting under its authority, could also make recommendations, but at different levels. Mr. Liang noted that the General Assembly coordinated policies (Article 15), while the Economic and Social Council coordinated activities, after consultation and to the extent of making recommendations therefor.

The trend of the discussion was that Chapter IV should not deal with the functions of the Economic and Social Council in detail, but that the functions of the General Assembly with respect to it should be defined in Chapters IX and IX(X). The Chairman suggested that Article 15, paragraph 2, be transferred to Article 17, bringing all budgetary provisions together. The first paragraph of Article 15 put coordination in the hands of the General Assembly and in another place it was in the hands of the Council. The same discrepancy existed with respect to the agreements to be negotiated. Mr. Liang mentioned that the antecedent of "it" might be either the United Nations or the General Assembly, though in the French it was clear.

The Chairman suggested the addition of a paragraph to Article 15 to the effect that "the General Assembly shall have powers in the international social, economic, cultural and health fields as set forth in Chapters IX and IX(X).". On Mr. Bailey's suggestion the scope was extended to "responsibilities, functions and powers". In this form the clause was felt to relate to Article 13, since Article 15 dealt with a very special responsibility. With this transfer in view, discussion of assigning letters to the enumerated groups in Article 13 called attention to the mention of the political field and international law in the enumeration.

The Committee agreed to add a second paragraph to Article 13, as follows:

"2. The General Assembly shall have with respect to matters of international economic and social cooperation the responsibilities, functions and powers set forth in Chapters IX and IX (X)".

The Committee agreed to transfer paragraph 2 of Article 15 to Article 17.

The general discussion of Article 15 revealed that there was overlapping between Chapter IV, Articles 13 and 15 and Chapters IX and IX(X) with respect to the objectives, studies, and recommendations of the Economic and Social Council.

The Committee appointed a subcommittee of alternates (from the Netherlands, the United Kingdom, France, U.S.S.R., Australia, and U.S.) to reconcile these Chapters at a meeting to be convened by the Alternate Delegate of the Netherlands.

## ARTICLE 16

The Chairman of Committee III/1, John Sofianopoulos, informed the Coordination Committee that Committee III/1 had decided to eliminate the words "made by an affirmative vote of seven members" as a condition of the recommendation by the Security Council of a candidate for Secretary-General. In view of other changes contemplated by Committee III/1, further consideration of Article 16 was deferred.

## ARTICLE 17

Mr. Hasan Saka, Chairman of Committee II/1 made the suggestion that "allocated" would be a better term than "borne", and implied the idea of bearing expenses. It was explained, however, that the Jurists considered it essential that the obligation to pay be clearly enunciated in the Charter and it was also observed that this Article was the basic statement regarding the financial structure of the Organization. Finally, it was noted that the words "shall be borne" constituted a change of substance and that the Technical Committee had not had an opportunity to consider it. Mr. Jebb suggested referring it to Commission II, but after discussion of the question with the Secretary, Mr. Darlington, the proper reference was felt to be to Committee II/1.

The Committee agreed:

1) that the Charter should contain a statement on the financial obligations of the members;

2) that the words "shall be borne" should be sent to the Technical Committee for consideration.

## ARTICLE 18

The Secretary, Mr. Darlington, presented for the Committee's consideration a revised text approved by Committee II/2, as follows:

> "The General Assembly should receive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.
>
> "The General Assembly should receive and consider reports from the other bodies of the Organization."

Mr. Fouques-Duparc questioned the position of the Article between one on budget and another on procedure. He suggested placing it after Article 12X. Mr. Robertson supported the idea of transferring the Article and after a discussion the Chairman's proposal to place it as Article 15 was accepted.

The Committee transferred Article 18 to be Article 15. The Committee substituted "shall" for "should" in both paragraphs.
The Committee, in accordance with the nomenclature adopted, changed "bodies" in paragraph 2 to "organs".

Mr. Liang objected to the word "adopted", and Mr. Jebb suggested "taken". The Chairman asked whether there was a distinction to be made between "decided upon" and "actually taken", and Mr. Golunsky said it was intended that the Security Council report both on measures carried out and those not yet carried out.

The Committee changed "adopted or applied" to "decided upon or taken".

## Articles 19, 21, 22, 23

These articles were adopted without change.

## Article 20

Discussion on Article 20 was deferred.

*The United Nations Conference*
*on International Organisation*

RESTRICTED
WD 42[illegible] (ENGLISH)
CO/192
AUGUST 20, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-EIGHTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 17, 1945, 3:00 p.m.

The following members were present:

| | |
|---|---|
| Australia | K. H. Bailey |
| Brazil | Cyro de Freitas Vallo |
| Canada | N. A. Robertson |
| Chile | Gabriel González-Videla |
| China | Yuen-li Liang |
| Czechoslovakia | Jan Papánek |
| France | Jacques Fouques-Duparc |
| Iran | Ali Akkar Siassi |
| Mexico | Absent |
| Netherlands | Adrian Pelt |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | H. M. G. Jebb |
| United States | Leo Pasvolsky |
| Yugoslavia | Stojan Gavrilovic |

Also present was:

| | |
|---|---|
| China | V. K. Wellington Koo, Rapporteur of Committee III/4 |

The Chairman, Mr. Pasvolsky, opened the meeting and introduced Dr. Wellington Koo, Rapporteur of Committee III/4.

### CHAPTER VIII

### Article 55

The Secretary, Mr. Darlington, drew attention to the omission from the text of Article 55 (WD 351; CO/133) of the words "before referring them to the Security Council. The Security Council should encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies,". These words should be inserted in line 21 to follow the words "such regional agencies,".

The Chairman pointed out that Articles 55 to 57 contained four themes. The first was contained in the first sentence of Article 55, paragraph 1, which provided that nothing in the Charter should preclude the existence of appropriate regional arrangements. The second theme was embodied in the remainder of Article 55, paragraph 1, and in Article 55, paragraph 2, which were concerned with the peaceful settlement of disputes. Thirdly, Article 56 dealt with regional enforcement action. The fourth theme was contained in Article 57. He proposed that Articles 55 to 58 should be rearranged in the form of four articles, each dealing with its particular theme.

Mr. Golunsky objected to this proposal on the grounds that it would change the force of Article 55, paragraph 2, which in the existing text applied, in his opinion, to Article 55, paragraph 1, in its entirety. While questioning this interpretation, the Chairman suggested that Mr. Golunsky's criticism might be met, and the segregation of themes nevertheless effected, by dividing Article 55 into three numbered paragraphs.

Mr. Robertson expressed the view that the meaning of the first sentence of Article 55, paragraph 1, would be more precisely expressed if the phraseology were adopted that nothing in the Charter should "prevent" regional agencies from dealing with the matters referred to. The existing wording: "Nothing in this Charter precludes the existence of regional arrangements" was, he felt, illogical since the Charter could not operate to preclude the existence of anything.

Dr. Wellington Koo urged that the text of the article should not be changed since this text had been adopted after elaborate and prolonged negotiations outside the Committee.

Mr. Liang advanced the opinion that the existing text of Article 55 obscured the fact that the phrase "on the initiative either of the members of the Organization concerned or of the Security Council itself" related to peaceful settlement of local disputes rather than to "development".

The Chairman agreed that the original text adopted by

Committee III/4 was better than the revised text approved by the Coordination Committee, in that it made clear the relation of "on the initiative ..." to "peaceful settlement of local disputes". The phrase "by reference from the Security Council" could relate only to a system of "peaceful settlement", the "development" of which would be encouraged by the Council.

> *The Committee reverted to the text of the final sentence of Article 55, paragraph 1, originally recommended by Committee III/4, as follows:*
>
> "The Security Council shall encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council."
>
> *The Committee then decided to divide Article 55 into three numbered paragraphs as follows:*
>
> "1. Nothing in this Charter ...
>
> "2. The member states comprising such agencies ...
>
> "3. This article in no way impairs ..."

### *Article 56*

> *The Committee decided to insert a comma after "the Security Council" in line 10.*

Consideration of Article 56 gave rise to a discussion regarding the meaning of "a state now at war with the United Nations". Mr. Golunsky pointed out that "now" would mean the date when the Charter is signed, and it was possible that doubts might arise whether this wording referred to Germany.

The Chairman drew attention to the necessity of introducing a uniform phrase in the three instances in which reference was made to measures against enemy states in the present war.

Mr. Jebb insisted on the necessity of clarifying the meaning of these phrases and in making it clear to what states such phrases referred. States at war with some nations and not with others might even join the Organization.

Dr. Koo observed that it was certainly the intention of Committee III/4 that the words in question should relate to states with which one or more of the United Nations had been at war.

> The Committee referred to the Committee of Jurists the appropriate wording to be adopted for the two expressions "enemy states in this war" and "a state now at war with the United Nations".

## Article 57

No changes were made in this article.

## CHAPTER VII

## Article 48

Mr. Jebb reported on the discussions of a Subcommittee held in his room during lunch. He reported that the Subcommittee unanimously recommended the following changes in Article 48 (Doc. WD 355; CO/142):

1. In line 2, to delete "to use force" and to substitute "to take action under Article 46";

2. In line 9, to delete "requests" and to substitute "desires";

3. In lines 9-10, to delete the words "to send a representative".

In support of the first of these proposed changes, Mr. Jebb reported that, in the opinion of the Subcommittee, the term "to use force" was not sufficiently definite.

Mr. Robertson expressed the view, with which the Chairman agreed, that Article 48 would operate only with regard to the provision of armed forces, and not with regard to other forms of assistance. The question was thereupon raised whether every action under Article 46 involved the use of force. Mr. Golunsky suggested that the phrase "to use force" implied direct military action, and he expressed doubt whether Article 46 would entitle a member to be represented on the Security Council in connection with participation in a proposed demonstration. Mr. Jebb replied that neither a blockade nor a demonstration could be carried out without the use of force. The

Chairman reviewed the terms of Article 46 and concluded that action by armed forces must necessarily be involved in any action taken by the Council under that Article. The terms "to use force" and "to take action" under Article 46 were, therefore, identical in their scope. Mr. Golunsky expressed his preference for the existing text. In view of the general agreement that the effect would be the same whichever of the two terms under discussion were used, the Committee decided to retain the phrase "to use force".

With regard to the second proposal of the Subcommittee--to substitute "desires" for "requests"--Mr. Jebb reported that it might be assumed, that if a difficult situation arose, discussions would be proceeding in the Military Staff Committee. Under such circumstances the representatives of the states likely to be involved would be in consultation with the Military Staff Committee, and would be discussing with the representatives of other countries how they would supply force. Such consultation might well make the final vote regarding the manner of employment of the forces of any particular country something of a formality. There was, therefore, an advantage in employing the vague word "desire" in place of the clumsy phrase "invite if the member so requests". It would be possible for the representative of a state at the center to make known his desire to participate in the final vote during the course of the conversations.

The Committee decided to eliminate "requests" in line 9, and to substitute "desires".

As regards the third proposal of the Subcommittee, Mr. Jebb noted that the phrase "to send a representative" in lines 9 to 10 was a relic of an earlier draft and no longer served the purpose which it was intended to serve.

The Committee decided to delete the words "to send a representative" in lines 9 to 10.

## Article 52

Mr. Liang reported on behalf of the subcommittee on Article 52, composed of Dr. Pelt, Mr. Reid, and himself, that they had unanimously agreed on the following redraft:

"1. The Security Council shall determine whether the action (measures) required to carry out its decisions for the maintenance of international peace and security shall be taken by all the members of the Organization or by some of them.

"2. The members agree not only to take the individual or collective action required of them under this Article but, as members of specialized agencies, to use their best efforts to ensure that these agencies cooperate with the Security Council to the fullest extent possible in carrying out its decisions."

Mr. Liang pointed out that the alterations involved were that the passive form in which the Article had previously been cast had been changed to an active form. Secondly an attempt had been made to distinguish clearly between the two types of action involved--on the one hand, action on the part of the members themselves, and on the other, action undertaken by the specialized agencies to which members of the Organization belonged. The Article had also been divided into two paragraphs.

The Chairman commented that the change from the passive to the active form had involved a change of emphasis. Whereas in the earlier form of the Article the emphasis had been on the mode of action, in the new form the emphasis was placed on the word "determine". Mr. Golunsky agreed with the Chairman that a change of emphasis was involved, and expressed his preference for the original text of the Committee, with the words "in cooperation" omitted. The Chairman considered that the division of the Article into two parts was desirable. The first paragraph was to the effect that the obligation to carry out the decisions of the Security Council would fall on all the members of the Organization or on some of them, as the Security Council might determine; the second paragraph that members of the Organization would act in two capacities:-by means of action under their own control, and by means of action available through their participation in the specialized agencies. In the discussion of alternative renderings, Mr. Liang observed that any text which failed to bring out that action by the specialized agencies was envisaged would constitute a departure from the intention of the Technical Committee.

Mr. Golunsky agreed that the emphasis should be laid on the action of appropriate specialized agencies. Mr. Jebb pointed out that objection had been raised to the original text because it was not possible to ensure that the specialized agencies took action. The Chairman replied that the implication was that membership of the Organization would be so wide that there would be no specialized agency of a world character in which the members of the Organization would not have a controlling voice. It was therefore decided not to revise Article 52 as proposed by the subcommittee, but to approve the text in CO/142 with minor changes.

> To approve Article 52 as in CO/142, with the following changes:
> In line 9 to make a second paragraph, delete "this undertaking" and to substitute "such decisions".
> In line 11 to delete "both".
> In line 14 to delete "organizations and".

## Article 54

Mr. Liang presented on behalf of the subcommittee the following draft text for Article 54:

> "If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to their solution."

He observed that the purpose of the new text was to make it quite clear that an aggressor state against which enforcement measures had been taken was not entitled to be assisted in the solution of its economic problems.

> The Committee approved Article 54 in the form recommended by the subcommittee with the following change:
>
> To delete "with regard to their solution" and to substitute "with regard to a solution of those problems."

## CHAPTER X

## Article 64

No observations were made on this paragraph (WD 328; CO/131).

### Article 65

Attention was called to the absence of the definite article between "upon" and "recommendation" in Article 65, paragraph 2, lines 7 - 8. The Secretary stated that the practice was to omit the article in the phrase "upon recommendation".

### Article 66

No observations.

### Article 67

Mr. Liang drew attention to the use of the word "differences" in the English text which was rendered by "différends" in the French text. He pointed out that the English equivalent for "différends" was "disputes". Mr. Golunsky replied that the word "differences" had been employed deliberately; the intention was that disputes, in the narrow sense of the term, should normally go to the International Court of Justice, while Article 67 was concerned with differences of another character.

### Article 68

No observations.

## CHAPTER XIII

### Articles 74 and 75

No observations were raised on Articles 74 and 75 (WD 329; CO/132).

### Article 76

Attention was drawn to the discrepancy between Article 76, in which the words "United Nations" were employed, and Article 77, in which the word "Organization" was employed.

*The Committee decided to delete "United Nations" in Article 76, line 1, and to substitute "Organization".*

## Article 77

The Committee deleted "to" after "necessary" in paragraph 1, line 5, and in paragraph 2, line 6, and substituted "for".

Mr. Liang observed that the word "similarly" in Article 77 (2) was not a precise term. Mr. Golunsky replied that this word had been adopted after long discussion with a view to finding a word which would express what had been said in paragraph 1 so that "enjoy in the territory of each of its members" would apply to paragraph 2.

## CHAPTER III

(WD 316, CO/128)

### Article 7

No observations were made on Article 7.

### Article 8

The Secretary reported that the text in Article 8 was the revised text submitted by the Committee of Jurists. The Committee of Jurists did not consider satisfactory either the text drafted by the Coordination Committee on May 30 or the new text adopted by Committee I/2 on June 6. Mr. Golunsky added that the phrase used in the Technical Committee's text "under conditions of equality" was, in the opinion of the Jurists, too ambiguous. The Chairman suggested that in view of the omission of the word "representation" from the text approved by the Technical Committee, its text should be accepted. The Executive Officer of Commission I advised that the women delegates in Committee I/2 attached great importance to the idea contained in the phrase "under conditions of equality".

The Committee decided to approve the text of Article 8 in the latest form submitted by the Technical Committee:

> "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in the principal and subsidiary organs."

## CHAPTER II

## Article 3

The Secretary distributed a new text of Article 3 approved by the Jurists on June 17, 1945:

"The original members of the United Nations shall be the States which, having participated in the United Nations Conference at San Francisco, sign the present Charter and ratify it in accordance with Article 82"

"Sont membres originaires des Nations Unies les Etats qui, ayant participé à la Conférence des Nations Unies à San Francisco, signent la présente Charte et la ratifient conformément à l'Article 82."

The Chairman inquired whether the Jurist's text would, by specifying the category of states entitled to become original members, eliminate the need for an annex or list of original members. Mr. Golunsky replied that this would be so. The Chairman observed that in his opinion every state which had participated in the San Francisco Conference ought to be included in the category of original members on signing and ratifying the Charter. When provision had been made for Poland there would be 51 original members.

Mr. Jebb inquired what the position of Poland would be. Mr. Golunsky pointed out that, according to the text before the Committee, Poland could not become an original member. The Chairman observed that this was not the intention as regards Poland; it was necessary to find language to meet Poland's special situation. Mr. Golunsky remarked that an alternative course was to provide that those states would be original members which signed and ratified the Charter in accordance with Article 82, and in Article 82 to specify the method of accession to the Charter for states to be admitted to membership later by the General Assembly. Poland could be allowed to sign the Charter and become an original member by the fact of its signature. He thought that when the Jurists drew up their text of Article 3 they did not have the Polish situation in mind. It was pointed out that an alternative solution was to include in the Preamble a list of states prefaced with the words "the original members of the United Nations shall be the states enumerated in the annexed list which signed the present Charter". Poland could be included in such a list.

Mr. Hackworth was then called to advise the Committee with regard to the problem which had arisen. Mr. Hackworth agreed that if the text of the Jurists' Committee were accepted, Poland would have to join on the same footing as other states. He agreed that a solution might be found by including a list of the original members, but observed that this would constitute an awkward solution. The Chairman referred to the manner in which Danish accession to the Bretton Woods agreement had been handled. Mr. Papánek pointed out that Denmark was represented at Bretton Woods by an observer. Mr. Hackworth commented that it would be possible to describe the original members in Article 3 as those participating in the Conference, and to add Poland by specific reference in an additional paragraph to Article 3.

The Chairman remarked that if it were desired to avoid the insertion of an annex of proposed original members, it would be necessary to obtain a decision from a higher authority. Mr. Robertson suggested that attention should be given to the proposal to make provision for two overlapping categories of original members. The Chairman agreed with Mr. Golunsky and Mr. Jebb that it would be necessary to draw up alternative drafts of Article 3 for submission to the Steering Committee. The alternatives were to use one of the following phrases: "having participated in the United Nations Conference at San Francisco"; "having participated in the United Nations Conference at San Francisco, or having signed the Declaration by United Nations"; or thirdly to say "enumerated in the annexed list".

Mr. Golunsky remarked that a fourth alternative would be to adopt for Article 3 the wording that "The original members of the United Nations shall be the states which sign the present Charter and ratify it in accordance with Article 82".

The discussion on this question was adjourned.

The Committee adjourned at 6:45 p.m.

*The United Nations Conference on International Organization*

RESTRICTED
WD 429 (ENGLISH)
CO/193
August 21, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-NINTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 17, 1945, 9 p.m.

The following members were present

| | |
|---|---|
| Australia | Paul Hasluck |
| Brazil | Cyro de Freitas Vallo |
| Canada | N. A. Robertson |
| Chile | Absent |
| China | Yuen-li Liang |
| Czechoslovakia | Jan Papánek |
| France | Jacques Fouques-Duparc |
| Iran | Ali Akbar Siassi |
| Mexico | Absent |
| Netherlands | Adrian Pelt |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | H. M. G. Jebb |
| United States | Leo Pasvolsky |
| Yugoslavia | Stojan Gavrilovic |

G. P. Arkadiev (U.S.S.R.), Rapporteur of Committee III/2
Also present were: José Serrato (Uruguay), Chairman of Committee III/2

The Chairman, Mr. Pasvolsky, opened the meeting at 9:10 p.m.

### CHAPTER VI

The Secretary said that this was the first reading of this Chapter (Doc. WD 371; CO/152) and that the text was just as it had come from the drafting committee. The Chairman called upon the Secretary of Committee III/1 for comments and Mr. Goodrich said that in Article 39 and in Article 40 the word "shall" had been substituted for the word "should".

Article 33

Mr. Hasluck asked why the Technical Committee had changed the verb in the last sentence from "shall" to "may". Mr. Goodrich replied that this had been done in response to an inquiry through the Executive Officer of the Commission; the Committee had felt that "may" would make it clear that the primary obligation rested with the parties to a dispute and also that the Security Council would be empowered, in case it became necessary, to call upon the parties to use these procedures.

There was then an extended discussion of the use of the term "call upon" and the French equivalent verb "inviter", a question which had also arisen in connection with several other Articles. Mr. Goodrich said that the Technical Committee had proposed "faire appel à" but in the translation the verb had apparently been changed to "inviter". Mr. Robertson said that it was extremely important to get very precise equivalents in the English and French texts since in Canada both texts would have equal official status and be equally public.

The question about which most of the members were concerned was the sense in which "call upon" was used in different parts of the Charter to represent different meanings, while the French translation employed several different verbs. The Chairman said that it was his understanding that "call upon" represented a request made as a result of an obligation assumed by the parties to whom the request was addressed, and therefore the request was really a demand. Mr. Robertson wondered whether it would be sufficient to say "remind the parties of their obligations" to settle these disputes by "such means", i.e., the obligations to settle by "peaceful means". Mr. Jebb felt that "call upon" should be used in a mandatory sense and that a strong French verb would be required as an equivalent. The Chairman commented on Mr. Goodrich's explanation saying that the first part of the Article imposed an obligation on the parties to seek a solution; and that the Council could apply or call for the fulfillment of that obligation.

Mr. Goodrich said that Committee III/2 had recommended the verb "may" but had left it up the the Coordination Committee to decide whether to change this to "shall whenever necessary,". Dr. Liang said that he preferred to use "shall if necessary"; the Chairman said he felt that by using this verb a clear obligation was imposed on the member states to try some means of peaceful settlement; Dr. Liang said that "shall if necessary" would convey the meaning because there would be no reason for the Security Council to call upon them if they had already taken steps to fulfil their obligations. The Chairman pointed out that in Article 41 the Security Council had the obligation to act and call upon members to act under Article 36, providing that they had failed to settle their disputes. On the other hand, the Security Council did not have the obligation to refrain from action, if necessary, simply because action was being taken by the parties themselves under Article 36. Mr. Robertson thought that the series of Articles on this subject suggested that the first step was not intended to provide decisive action and that the Council should be authorized to call upon parties to settle "by peaceful means" rather than "by such means".

Mr. Goodrich thought the Technical Committee had in mind all peaceful means for the settlement of disputes. The Chairman pointed out that there was a secondary obligation in this paragraph and that the key to this was the phrase "peaceful means of their own choice". There was a blanket obligation in the Chapter on Principles and Article 36 implemented that obligation. Furthermore, if they failed to settle disputes by means of their own choice, the parties were obligated to come to the Council. For this reason he felt that "shall if necessary" would correspond to the obligation assumed by the parties and would still leave the Council discretion as to whether or not it should call upon the parties.

The Chairman asked whether there were any synonyms for "call upon" and Mr. Jebb suggested either "invite" or "summon"; Mr. Robertson referred again to "remind them of their obligations"; Mr. Pelt suggested "insist"; and the Chairman suggested "appeal". Mr. Goodrich thought that "may remind" was too weak; and Mr. Robertson thought it was very important to use different verbs for addressing the wrong-doer and the party who might still be innocent. Mr. Arkadiev opposed the use of "shall call upon" since he said the Committee thought that would imply an obligation for the Council to make such a call and would permit the parties to wait for this call to come. He repeated his earlier explanation that the Committee had felt it should be made clear that the obligation of the parties to settle their disputes by peaceful means existed. Mr. Goodrich said that "may call upon" had been adopted by the Technical Committee and there might be some difficulty in attempting to change it now. He said that if any other word were to be substituted he thought that perhaps "request" came nearest to conveying the meaning.

The discussion of the Council procedures implied in the phrase "may call upon" led to the consideration of another question pointed out by the Chairman. In the first sentence of the paragraph the question arose as to who was to decide when "the continuance of a dispute is likely to endanger the maintenance of international peace and security". Mr. Golunsky replied that the Council would make this decision but Mr. Robertson said that the parties themselves were to decide it. In addition Mr. Robertson wondered whether there was any difference between disputes likely to "endanger the maintenance of international peace and security" and the situations which were likely "to lead to international friction". Mr. Goodrich replied that in the first case it was a dispute and in the second a situation as stated in Article 37.

The Chairman thought this confusion arose from the change in the order of the paragraphs which the Committee had adopted. The steps of procedure as he saw them were; first, any member of the Organization might bring a dispute or situation to the attention of the Security Council; second, the Security Council would decide through investigation whether or not the kind of dispute or situation, the continuance of which would be likely to endanger the maintenance of international peace and security; third, that, when once this decision had been made, the obligation was left on the parties to settle the dispute by means of their own choice; clearly the authority of the Council resided in its powers to request, invite or call upon states to carry out their obligations. The Security Council might at any stage of a dispute recommend methods of procedure. The Chairman asked about location of the Sponsoring Governments' amendment and Mr. Goodrich replied that it had been placed at the end of the Chapter in Article 42 because it referred to disputes of a relatively unimportant character, and provided for parties bringing disputes before the Council before they had failed to settle them. The Chairman thought a more logical progression of Articles within the Chapter would have been from Article 38 to 37 to 36 to 39 to 40 to 41.

The Rapporteur explained the reason for the Committee's decision on this matter. He said the Committee's idea had been that the first thing parties should do should be to try to settle disputes themselves and therefore that provision was placed in Article 36; second, the Council had power to investigate to see whether the dispute might endanger international peace and security; third, if the dispute were not settled a state had the right to present it before the Council and Assembly; fourth, came the development of the functions of the Security Council; fifth, came the articles enumerating the rights and powers of the Council. It was agreed that this was a logical order. The Chairman of Committee III/2 said it was preferable not to change the general arrangement of the Chapter.

Mr. Goodrich agreed that it was difficult to decide who should determine whether a dispute was "likely to endanger international peace and security". But he pointed out that if those words were omitted another problem would arise. There would be the question of whether the Security Council should be empowered to take any action on its own initiative regarding a dispute whose continuance was not likely to endanger international peace and security. Mr. Golunsky agreed and said there was no obligation on the members of the Organization to settle every dispute; the obligation concerned only those disputes likely to threaten international peace and security.

Dr. Liang said he thought the answer to the question was that, even though their judgment might be wrong, the parties to the dispute in the first instance were to judge whether the continuation of their dispute would be likely to endanger the maintenance of international peace and security. After that the Security Council, after watching the situation, could decide and "if necessary" call upon the parties to settle their dispute by peaceful means. Several members of the Committee felt that the parties to a dispute could not be expected to decide this question for themselves as they could not be described as disinterested observers. Mr. Golunsky thought the decision of the Council should be made on two conditions, first, that the dispute was of such a nature that it would endanger international peace and security and, second, that the parties did not do what they were supposed to do. The Rapporteur, Mr. Orkadiev, explained that the Committee had used this wording deliberately because the Committee members thought the Security Council might call on parties to settle by peaceful means even those disputes which were not likely to endanger international peace and security. The Security Council at the early stage of the dispute would not go into the character of the dispute, but would simply make an appeal to the parties.

The Chairman then pointed out another question which arose in connection with a consideration of this Article, namely, whether the last two words "such means" referred to "any peaceful means of their own choice". Mr. Golunsky said the enumeration in this Article included all "other peaceful means of their own choice".

The Chairman then came back to the earlier question concerning the use of the verb "may" or the phrase "shall if necessary" with "call upon". He favored the latter wording because he thought it placed the power in the hands both of the parties to the dispute and of the Security Council. Mr. Robertson expressed a preference for the verb "may", particularly as the result of the Rapporteur's comments. He also thought it unlikely that the parties to a dispute would be able to make a judgment as to whether its continuance would be likely to endanger international peace and security. He thought the discretion should be left to the Council, by using a weaker verb than "call upon", especially in view of the fact that "call upon" had acquired a special meaning in connection with enforcement in later Chapters. Mr. Jebb favored the use of "shall if necessary" because it implied greater authority for the Security Council to determine when to act. A number of members expressed their preferences and Mr. Hasluck partially summarized the discussion by pointing out that it was not the dispute itself which endangered peace but rather the choice of method of settlement or the failure to adopt peaceful settlement. Mr. de Freitas Valle said that the intention of the Committee had been to make it possible for the Security Council to call upon or not to call upon the parties, but it had not been intended to make this imperative. There seemed to be general agreement on changing the text of the Article to include "shall if it deems necessary" in place of "may" in the last sentence.

The Committee revised the last sentence of Article 36 to read as follows: "The Security Council shall, if it deems necessary, call upon the parties to settle their disputes by such means."

The Secretary was asked to make a list of all the Articles in which the words "call upon" appeared.

## ARTICLE 37

The Secretary reported that this Article had not been revised by him, but for the sake of uniformity two drafting changes were now suggested, - the use of the verb "may" instead of "is empowered" and the use of the verb "might" in place of the word "may" in the fourth line.

Mr. Robertson raised the question as to whether the reference to "situation" should not appear before "dispute". Mr. Arkadiev and Mr. Goodrich explained that the Committee had felt that the dispute was the principal factor as a possible danger to international peace and security and attention should be drawn to dispute rather than situation.

## ARTICLE 38

This Article represented considerable revision of the article originally presented by the sponsoring governments and the Chairman ased the Rapporteur to explain these changes. He recalled that the original proposal had stated that "any state whether a member of the Organization or not may bring any such dispute or situation to the attention of the Chairman of the Assembly or the Security Council." The present draft limited this right to a member of the Organization; in the second paragraph a non-member state was given the right to bring to the attention of the Security Council only a dispute to which it is a party and not a situation.

It was pointed out that the second paragraph of Article 38 was related to the second paragraph of Article 12, and the Chairman stated that at the next reading of Article 12 that article would be coordinated with Article 36.

## ARTICLE 39

The verb "shall" had been changed to "should". Mr. Golunsky asked for a statement of the difference between "procedures" and "methods". Mr. Jebb replied that in the case of a dispute one would recommend procedures; in the case of a situation one would recommend methods of adjustment. Mr. Golunsky replied that in the process of conciliation there were both procedures and means and he thought that in this connection it would be better to refer to them as "procedures", not as "means". He thought that "means" put the emphasis on a casual connection between cause and result; but "procedure" put the emphasis on the method and the way of achieving it. Dr. Liang, Mr. Hasluck, and others elaborated the difference between these ideas, suggesting, for example, that the methods to adjust a situation might be a conference meeting; but that the meeting itself was not a procedure. The second sentence of the Article represented a compromise between many amendments which Mr. Arkadiev explained.

## ARTICLE 40

The Chairman pointed out that in this Article "shall" had also been changed to "should". He also pointed out that this paragraph raised a question because a dispute would be referred by parties to the International Court of Justice in accordance with their obligations, but he did not think the language made this clear. Mr. Jebb and Mr. Golunsky suggested several phrases to bring this Article into line with the Statute of the Court. It was a question about the scope of the obligation implied in the phrase "should normally be referred" and it was the opinion of some members that these words went beyond the provisions of the Court Statute. Mr. Arkadiev explained that the original wording had been changed because it had been very near to compulsory jurisdiction under the Statute; while actually there was no obligation on member states to refer their disputes normally to the International Court of Justice, except under the compulsory jurisdiction clause. Mr. Hasluck said it seemed to him that the Article did not compel any state to go to the Court, but it recommended a way in which a dispute could be settled.

On the other hand, Mr. Golunsky said that the word "normally" was essential to the meaning of this Article. He said it meant that the Security Council had the right to deal with a dispute which under the Statute of the Court could be referred to the Court. The Chairman, however, said there was the question as to whether or not the Court would deal with the dispute. Mr. Gavrilovic and the Chairman both suggested that the Article be referred to the Committee of Jurists. The Jurists would be asked to look particularly at the meaning of the word "justiciable".

Several members suggested that Articles 39 and 40 might be combined without altering their substance, and it was agreed that this should be considered as a future possibility.

The Committee referred Article 40
to the Committee of Jurists.

### ARTICLE 41

This Article raised again the question of "procedures" and "means". Mr. Golunsky wondered whether this Article implied that the right of the Council to recommend terms of settlement was limited only to cases when parties to a dispute referred them to the Security Council. The Chairman and Mr. Jebb agreed with Mr. Golunsky that after the parties had failed to settle the dispute by means of their own choice they had no alternative but to refer a dispute to the Security Council. They said that this was a proper interpretation, that it was in line with the sponsoring government's amendment, and had apparently been adopted by the Technical Committee.

### ARTICLE 42

Mr. Robertson raised a question concerning the use of "take action" and "make recommendations", without any qualifying words. Mr. Golunsky said that in his view Article 42 covered any dispute, including those disputes which did not endanger international peace and security; while Article 41 dealt with disputes which might endanger international peace and security and which parties had failed to settle by peaceful means. The Chairman asked the meaning of the introductory words of the Article, "without prejudice to the provisions of Article 36 to 41". Mr. Golunsky replied that he thought the meaning of these words was that the provision of the Article did not impair the power of the Council to intervene at any stage of the dispute, if it thought the dispute was of a character likely to endnager international peace and security. The Chairman said that he had always read the reference at the end of the Article in relation to the second part of paragraph 3 of Article 2 on Principles. Mr. Arkadiev said that what the Committee had in mind whendrafting this Article was that the parties at the beginning of a dispute, might refer it to the Security Council and ask the Security Council to advise them as to the best way of settling the dispute.

The Committee decided to read "principle" in the singular in line 9.

The Committee decided to consider this Article later with a special view of eliminating unnecessary references.

The meeting adjourned at 12 midnight.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 430 (ENGLISH)
CO/194
August 20, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTIETH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 18, 1945, 10:00 a.m.

The following members were present:

| | |
|---|---|
| Australia | --K. H. Bailey |
| Brazil | --Cyro de Freitas Valle |
| Canada | --Escott Reid, N.A. Robertson |
| Chile | --Felix Nieto del Rio |
| China | --Yuen-li Liang |
| Czechoslovakia | --Jan Papánek |
| France | --Jacques Fouques-Duparc |
| Iran | --Dr. Ali Akbar Siassi |
| Mexico | --Rafael de la Colina |
| Netherlands | --Adrian Pelt |
| U. S. S. R. | --S. A. Golunsky |
| United Kingdom | --H. M. G. Jebb |
| United States | --Leo Pasvolsky |
| Yugoslavia | --Stojan Gavrilovic |

Also present was:

| | |
|---|---|
| Costa Rica | --J. Rafael Oreamuno,<br>Chairman of Committee I/2 |

The Chairman, Mr. Pasvolsky, asked the Secretary, Mr. Darlington, to announce the agenda.

The Secretary presented for consideration by the Committee English-French texts of:

Chapter XI (The Secretariat), Doc. WD 368; CO/151.

Chapter VII (Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression), Doc. WD 378; CO/142 (1).

Chapter V (The Security Council), Doc. WD 377; CO/139 (1),

Preamble, Doc. WD 367; CO/150.

## CHAPTER XI

### Article 69

The Executive Officer of Committee I/2, Mr. Davis, reported that Committee I/2 had amended the last sentence by striking out: "elected for a term of three years, and shall be eligible for reelection", (Doc. WD 322; CO/125(1).) and substituting: "appointed by the General Assembly upon recommendation of the Security Council". (Doc. WD 392; CO/125 (2).)

The Committee accepted the above change.

### Article 70

It was suggested that in line 10, "Organization" be replaced by "these organs". The Chairman of Committee I/2, Mr. Oreamuno, explained that his Committee had used the term "Organization" in order to include in the provisions reference to organs which might be established in the future. Mr. Bailey, however, suggested it was important to avoid the misinterpretation that the General Assembly and Security Council had to act in concert in this matter. The Chairman pointed out that, if new organs were created, their Secretariat would be provided for.

The Committee agreed to delete in line 10 "Organization" and insert "these organs".

The Committee deleted "or may be" in lines 8 and 9.

### Article 71

Mr. Bailey pointed out that the French text was broader than the English text in that it took into consideration both the possibility and the actuality of a "threat" to international peace. The Secretary-General surely had authority to act in the presence of a threat if he could act with respect to a potential threat. The Committee discussed the possibility of inserting the words "threatens or" before the words "might threaten", but no action was taken on this change.

### Article 72

The Committee agreed to break the Article into two paragraphs the second paragraph beginning with "Each member...", line 12.

Mr. Liang called attention to the fact that "member", in a Chapter on the Secretariat might appear to refer to a member of the Secretariat instead of a member of the Organization.

The Committee agreed to insert, following "Each member", the phrase: "of the Organization".

### Article 73

Mr. Robertson raised a question as to "efficiency, competence and integrity". There ensued a discussion between him, the Chairman, the Chairman of Committee I/2 and Mr. Bailey as to whether competence included efficiency, whether they were distinct qualities, and wherein they differed from ability, which covers both concepts. Mr. Oreamuno thought difficulty would be encountered if the Committee undertook to be "technical" and recommended leaving the text as it was.

The Committee struck out the heading "Appointment of Staff".

In the French text, the alternative draft for the last sentence was rejected.

The Committee discussed at length the problem of including in this Article or in Article 69 the general provisions for staffing organs of the Organization, particularly in relation to the special provision for a "permanent Secretariat" of the Social and Economic Council, and in relation to a similar provision which would probably be included in the Chapter for the Trusteeship Council. Discussion of the character of the staffs of specialized agencies or organs and their relation with the general Secretariat was centered around the meaning of "Organization" in Article 69 and the scope of the word "staff" in Article 73. Mr. Oreamuno, Chairman of Committee I/2, said that use of the word "Organization" would bring under the Secretary-General the staff of any subsidiary agencies created in the future. Mr. Robertson thought that the word "permanent" used to describe the staff of the Economic and Social Council created difficulty; a reference in Article 73 might help. Mr. Bailey thought no legal inference was to be drawn from Article 69 and Chapter IX (X), Article 80, with respect to allocating staff, which was general in the one case and specific in the other. The Chairman suggested that Article 60 might be transferred to Article 73, Chapter XI. "Such staff as may be required"meant that some might be permanent and others temporary. Mr. Robertson said inclusive provision for the Secretariat ought to be made in this Chapter. Mr. Pelt said they must take account of a unified Secretariat, except for the Court, with both permanent and temporary staff, and all under the same regulations.

> The Committee asked Mr. Pelt (Netherlands) to meet with a few other members before the afternoon session and prepare a new draft for Article 73.

## THE PREAMBLE

The Executive Officer of Committee I/1, Mr. Davis, gave briefly the history of the Preamble. Committee I/1 and Commission I had retained the ideas set forth in the original draft prepared by Marshal Smuts and had forwarded their draft to the Coordination Committee with the intention that the latter would perfect its style.

There followed considerable discussion as to whether or not revision of a text came within the terms of reference of the Coordination Committee. It was conceded finally that the Committee faced a particular situation, since it had received a formal request to edit the draft Preamble.

The Committee judged that its task was divided into two parts - -

1. The operative words of the Preamble should be brought into conformity with the rest of the Charter, particularly the chapters on Membership, Organs, and Ratification.

2. The language of the body of the Preamble should be improved.

> The Committee appointed two subcommittees to work out recommendations concerning the above tasks and agreed to submit the draft of the Subcommittee on the body of the Preamble to Marshal Smuts for his consideration.

## CHAPTER VII

The text in Doc. WD 378, CO/142(1) was under consideration.

In the title of the Chapter "and" was substituted for "or".

Article 49

Lines 5, 6, the words "immediatement utilisables" were substituted for the words "à tout moment".

Further consideration of Chapter VII was postponed pending completion by the Secretary of papers on Certain Repetitive Words and Phrases in the Charter (Docs. WD 381, CO/156 and WD 389, CO/151(a).

The Committee noted its acceptance of the recommendation of the Committee of Jurists to use the term "the present Charter".

## CHAPTER V

The text in Doc. WD 377, CO/139(1) was under consideration.

Article 27

The Committee considered the compilation of the "functions, powers and duties of the Security Council" prepared by the Secretariat.

It was recognized that such a list would not, as anticipated, serve a useful purpose.

The Committee rejected the list and struck out Article 27 altogether.

Article 23

The question was raised as to whether or not it would be preferable to list the five permanent members of the Security Council alphabetically. It was pointed out that the alphabetical order was customary in treaties.

The Committee decided to retain the original (Dumbarton Oaks) order of the countries enumerated.

The Committee agreed to substitute, in the French text "de ces" for "apportée par les".

### Article 24

Typographical correction was made in the French text, paragraph 2: "des dits" was changed to "lesdits".

### Article 26

It was noted that "responsible, with the assistance of the Military Staff Committee for formulating plans" now reads: "responsible for formulating, with the assistance of the Military Staff Committee plans..."

### Article 30

The Committee agreed to substitute, in the last line of the French text, "s'abstient" for "s'abstiendra".

### Article 31

In paragraphs 1 and 3, "Headquarters of the United Nations" was replaced by "seat of the Organization."

### Article 34

In line 5, "the latter" was accepted instead of "the Security Council" on the suggestion of the Advisory Committee of Jurists.

### Article 35

The Committee agreed to replace the words "which is not a member" in line 2 by "not having a seat on".

The last sentence now reads: "The Security Council shall lay down such conditions as it may deem just for the participation of a state which is not a member of the United Nations".

The Committee agreed to distribute Chapter V to the Delegations. (Doc. 1063, CO/139(2).

The Committee asked that the Secretary prepare a list of the formulae which required simplification and standardization.

(Fifteen or sixteen such formulae were contributed by the Committee to the list.)

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 431 (ENGLISH)
CO/195
AUGUST 27, 1945

# COORDINATION COMMITTEE

---

## SUMMARY REPORT OF THIRTY-FIRST MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 18, 1945, 3:00 p.m.

The following members were present:

Australia -- Paul Hasluck
Brazil -- Cyro de Freitas Valle; Antonio Camillo de Oliveira
Canada -- N. A. Robertson
Chile -- Absent
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc; Raoul Aglion
Iran -- Ali Akbar Siassi
Mexico -- Rafael de la Colina
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S.A. Golunsky; A.A. Arutiunian
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

Representing Committee II/3:

Sir A. Ramaswami Mudaliar (India) -- Chairman of Committee II/3
Manuel Noriega Morales (Guatemala) -- Rapporteur of Committee II/3

The meeting was called to order by the Chairman, Mr. Pasvolsky, at 3:10 p.m.

## Chapters IX, IX(X), and IV

### Discussion of enumeration of "political, economic, social, educational, cultural and health"

This discussion was a continuation of the one carried on in the twenty-sixth meeting (June 16, at 8 p.m.). It concerned the correlation of the material in Chapter IX and IX(X) (Doc. WD 394; CO/143(1)) with Chapter IV (Doc. WD 336; CO/133), and the internal rearrangement of Chapter IX. These two problems had been referred to a subcommittee.

The Committee first considered the relationship between Chapters IX(X) and IV. Mr. Aglion opened the discussion with the Subcommittee report on Article 13 of Chapter IV. The redraft of this Article proposed the omission of the enumeration of "political, economic, social, cultural, educational and health fields", and of the references to human rights and nondiscrimination. For these enumerations there would be substituted references to those other articles in which these same ideas appeared--namely, Article 1, paragraph 3 (Purposes), and Article 58 (International Economic and Social Cooperation). This led to an extensive discussion of the relationship between the enumerations in Articles 1, 13 and 58 and the possibility of eliminating some of them altogether.

There was first a question as to whether the statement of purpose in Article 1, paragraph 3, was duplicated in Article 58. Mr. Jebb and Mr. Bailey both thought the statement of purposes in Article 58 seemed to be similar to that stated in Article 1, paragraph 3, although Article 58 was more elaborately worded; but the Chairman pointed out that Article 58 should properly be considered as the implementing provision for carrying out the purposes enumerated in Article 1.

Mr. Bailey pointed out that Article 58 in the unrevised Dumbarton Oaks text had been entitled "Purposes and Relationships"; and the Chairman said that he thought the significance of the statements in Chapter IX was the reference to functions and powers. He said that there had been the suggestion that precise functions of the General Assembly in the economic and social fields should not be enumerated in Article 13, but rather that there should be a general statement to the effect that these powers would be specifically enumerated in Chapters IX and IX(X). In this way it would be possible to avoid listing economic and social functions twice, and they would also avoid alteration of the sense of Article 13 by enumerating only international cooperation in the political field and in international law.

Mr. Aglion thought it had been the sense of the Subcommittee that in Chapter IX there should be a complete enumeration so that persons reading the Economic and Social Chapter would not find it necessary to return to the Assembly Chapter to find the purposes. Mr. Papánek said he did not feel the enumeration should be omitted from the General Assembly Chapter, but if possible, it might be omitted from the Economic and Social Chapter. Mr. Aglion agreed that could be considered, subject to the approval of the Chairman of Committee II/3, Sir Ramaswami Mudaliar. The Chairman suggested leaving Article 13 as it was with only the references to political and international law; and adding a sentence "... the functions and powers of the General Assembly in the fields of economic and social cooperation are set forth in Chapters IX and IX(X) ...". Mr. Liang thought the wording of the second part of Article 13 did not make clear that the Economic and Social Council came within the functions of the General Assembly. Mr. Bailey thought that Article 13 should have a very clear forward reference to Chapters IX and IX(X) because Article 13 conferred general powers on the Assembly that were not included in the special powers set up in Chapter IX.

Mr. Aglion asked whether the Economic and Social Council would have more power than the Assembly, since the Economic and Social Council under Article 65 was authorized to "make studies", but the Assembly could only "initiate studies". The Chairman said this had been deliberate, and that the Assembly ultimately had the power since it could instruct the Social and Economic Council to "make studies". Mr. Golunsky said that one of the objectives of this discussion had been to eliminate repetition and he did not think that the proposed addition of a paragraph to Article 13 would help. He suggested that the Chairman's proposed paragraph be added to the subcommittee draft rather than to the original text. Mr. Jebb agreed, and both said they realized this would necessitate eliminating the enumeration of powers either in Chapter IX or in Article 13.

Mr. de Freitas Valle called the Committee's attention to the information in the memorandum "List of Certain Repetitive Words and Phrases in the Charter" (WD 381; CO/156). According to this, the phrase "race, sex, language and religion" appeared nine times; "human rights and fundamental freedoms" five times; "political, economic, cultural, educational and health" nine times. This latter phrase appeared once in Chapter I, Article 1, Principles; twice in Chapter IV on the General Assembly; and six times in Chapters IX and IX(X). It was definitely the sense of the Committee that it had a responsibility to eliminate much of this repetition, but the members agreed that it was difficult to know to what extent such elimination would be acceptable to the Technical Committee. It was agreed to examine Chapters IX and IX(X) and suspend, temporarily, consideration of Article 13, Chapter IV.

Mr. Jebb's suggestion was to put the whole of Article 58 into the Chapter on Purposes; he felt it said the same thing in different words as paragraph 3 of Article 1. Mr. Robertson commented that this was really an expansion of "purposes". The Chairman said this would mean a similar procedure for the chapters on limitation of armaments and trusteeship, and that it would not be feasible to make such changes. He thought the decision concerning the location of Article 58 would have to be decided later and the first thing to do would be to decide on the enumerations in Chapters IX and IX(X).

Mr. Bailey said that one of the difficulties was to decide the purposes served by these enumerations; for example, sometimes the words were connected with the solution of problems and in others they were connected with the achievement of purposes. The Chairman reminded the Committee that these phrases appeared so many times because there were important groups who wanted them included. It would be difficult to explain to many of these groups why the words were cut out. Mr. de Oliveira felt that there was an explanation for the many times in which these ideas appeared in the Charter. He said that many of the groups sponsoring these ideas had not expected to achieve success and, therefore, they had worked to get the inclusion of these statements in a number of chapters; they had not realized they would be successful in so many places.

At the suggestion of the Chairman, the Committee examined Chapters IX and IX(X), article by article, and tentatively agreed that the enumerations could be eliminated in Articles 60, 65, 66, 69 and 72; this would leave them in Article 1 of Chapter I, on Purposes; Article 13, Chapter IV, on the powers of the General Assembly; and Article 58, Chapter IX, on the Economic and Social Council. The Rapporteur felt that the three chapters mentioned were the ones in which the enumeration should definitely appear. He pointed out that the members of Committee II/3 had been very insistent that mention of these matters should be made both in connection with the powers of the Assembly and in connection with the purposes of the Economic and Social Council, even at the risk of repetition.

Mr. Golunsky suggested as a wording for Article 13, the subcommittee redraft for paragraph 1; and a paragraph 2 to read "The General Assembly shall have such responsibilities, functions, and powers in the economic, social, and related fields as are set forth in Chapter IX". It was pointed out by several members that there would be difficulties in omitting reference to "cultural, educational, health", "human rights" and "fundamental freedoms". This raised again the question of including these terms in Article 13 or in Article 58. Mr. de Oliveira felt the criterion could be that definitions should appear in the chapter on the General Assembly (Article 13), and descriptions in the chapter on the Economic and Social Council (Article 58). Mr. Papánek said that Article 13 had been a proposal of the sponsoring Governments. It had been one of those articles most contested and he felt that a minimum of change should be recommended. The Chairman said that all of these words had been included as a result of both emotional and political compromise and again cautioned the Committee against making too drastic changes. On the other hand, Mr. de Oliveira said that it was perfectly understandable that one Committee should include all these questions as much as it felt necessary; but the Coordination Committee had to review the work coming from twelve separate committees. It would be failing in its duty to permit the repetition of any phrase in the Charter nine times or more.

Mr. Pelt thought the Committee had considered this matter as thoroughly as it could and that the issue would arise again when the Trusteeship chapters came in. He felt that it might be useful to get a ruling from the Steering Committee on a matter of principle. In the light of a decision from the Steering Committee, authorizing the Coordination Committee to make extensive deletions, the Committee could then continue its task. If there were not a general ruling from the Steering Committee there might then be a series of discussions with all the Technical Committees involved. Mr. Aglion said there was a question of principle involved. If it were decided not to have repetition, then there should not be repetition even twice; but Mr. Golunsky said there was a difference in the repetitions, for example in the statements on human rights. In the Chapter on Principles there was one form of statement, and in specific chapters other forms of statement were used. Mr. de Freitas Valle said additional repetitions were also added by the cross-references. Mr. Bailey felt a reference of this problem to the Steering Committee might precipitate a long debate. Various alternatives were suggested for presentation to the Executive and Steering Committees.

The Chairman said he felt the discussion had gone as far as it could at that time; that there were still the decisions as to whether the chapters could be rearranged in such a way that no problem would arise in connection with these enumerations, whether the Committee would take responsibility for eliminating all of the enumerations except in three articles, and whether Article 13 should include the enumerations. He suggested that for the present the Committee proceed to examine Chapter IX without reference to Chapter IV, that the discussion of Article 13, Chapter IV, should be temporarily suspended, and that reference of the matter should not be made to the Steering Committee, at least for the present.

> The Committee, on motion of Mr. Golunsky, made Article 13 read:
>
> "1. The General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation in the political field, and for encouraging the progressive development of international law and its codification.
>
> "2. The General Assembly shall have such responsibilities, functions, and powers in the economic, social, and related fields as are set forth in Chapter ______."

## CHAPTER IX

### Article 58

The Committee confirmed the changes which had been agreed to at an earlier meeting in which Article 58 had been broken into paragraphs lettered a, b, and c, the comma after "nations" deleted, and "and" added at the end of b.

### Article 59

No changes were noted in Article 59.

### Article 60

With regard to Article 60, the Chairman read a letter from the Advisory Committee of Jurists, in response to the question as to whether the text of Article 60, approved by the Coordination Committee on June 16 at its 26th meeting was in keeping with the meaning, from the legal point of view, of the language employed by the Technical Committee in its text of June 16. The Jurists replied that, in their opinion,

> "... the text approved by the Coordination Committee is in keeping with the meaning of the text as drafted by the Technical Committee, as interpreted by that Committee in

its report to Commission II. The report of that Committee states:

"It agreed that the term "intergovernmental" should be interpreted to mean agencies which have been set up by agreement between governments."

"One member of the Committee of Jurists wished to have registered his opinion that the wording of the Coordination Committee text is broader in meaning than the language of the Technical Committee text. He believes the International Labor Organization is not an intergovernmental agency in the strict sense of the term, in view of the fact that the Organization has representatives not only of governments, but also of employers and workers."

Mr. Golunsky reserved the position of the Soviet Delegation on the question of inter-governmental organizations. The Jurists were not asked for an interpretation of "wide international responsibilities".

There was then an extensive discussion of Article 60, centering around suggestions to avoid an enumeration by inserting "fields mentioned in Article 58" and a replacement of the phrase "as defined in their basic instruments". No agreement on a new text was reached, and the Article was left as it was.

## Relationship between General Assembly and Economic and Social Council

There were no comments on the wording of Article 61, but the Chairman said that there had been some consideration of transferring Article 15 from Chapter IV, the General Assembly, to Chapter IX, as Article 61. This suggestion arose from the fact that coordination of policies by the General Assembly was mentioned in Article 15, and coordination of activities by the Economic and Social Council in Article 65. If Article 15 were transferred, it would become Article 61; and the present Article 62 would provide for the assignment of functions as between the Assembly and the Economic and Social Council. The Rapporteur of Committee II/3, Mr. Morales, pointed out a distinction that was in the minds of the Technical Committee in connection with the drafting of Articles 15 and 65. It was the Committee's view that the General Assembly should have the power to coordinate the policies of the various specialized agencies brought into relationship with the Economic and Social Council and probably would not delegate its power over policies which would be determined in the basic instruments of the agencies concerned. By Article 65, however, the Economic and Social Council and the power to coordinate the activities of the agencies. The Secretary of Committee II/3, Mr. Giddens, qualified this view. He said that the Committee preferred that the statement on the powers of the General Assembly in this respect should remain in Chapter IV.

On the other hand, the Chairman felt there was an inconsistency in the present wording where both the Assembly and the Economic and Social Council were given power to coordinate. He thought this might be avoided by rewording Chapter IX to say

> "... the Organization shall make recommendations for coordinating the policies and activities of specialized agencies. The responsibility shall be discharged by the General Assembly, and, under the authority of the General Assembly through the Economic and Social Council".

Then among the enumerated specific powers of the Economic and Social Council would be included the specific power to coordinate the activities of the specialized agencies.

Sir Ramaswami Mudaliar, Chairman of Committee II/3, who had entered during this part of the discussion, asked whether the wording as suggested by the Chairman would mean giving to the Economic and Social Council the power to coordinate the policies of the specialized agencies. Mr. Golunsky said this would be the situation only if the General Assembly gave the Council the power for a specific case.

The Chairman said that the Assembly could charge the Council with any responsibility it wanted to. The Coordination Committee had at one time considered adding to Article 62 a statement proposed by Mr. Robertson that "...the Economic and Social Council, for this purpose, shall have the functions described in the Chapter". This would make it absolutely clear that the powers of the Economic and Social Council were those stated in the Chapter. Sir Ramaswami replied that he thought that would constitute an extension of the scope of the Economic and Social Council, which was not contemplated by the Technical Committee. He said the Committee's approved text had placed the power to coordinate policies as an integral part of the power of the General Assembly alone; it was purposely not included in Chapter IX. The rewording would, in his opinion, give to the Economic and Social Council power to coordinate the policies of these Organizations, unless a number of limiting clauses were added. An important reason for withholding such power from the Council was the fact that the Council was representative of only eighteen states.

The Chairman pointed out what seemed to him to be two inconsistent points, one the question of coordination and the other the negotiation of agreements. In Chapter IX the Economic and Social Council was given authority to negotiate agreements, subject to the approval of the General Assembly. In Article 15, on the General Assembly, appeared the phrase "... shall make recommendations for coordinating the policies of..... and other specialized agencies brought into relationship...... in accordance with agreements made between it and such agencies". He thought that "it" referred to the Economic and Social Council, "subject to the approval of the General Assembly". Sir Ramaswami said "it" referred to the General Assembly; the relationship would be between the Organization and the specialized agencies, on the one hand, and the Organization and the General Assembly, on the other. The agreement would be drawn up by the Economic and Social Council, subject to the approval of the delegates in the Assembly. The Chairman felt this was the governing point in this problem.

There still remained a problem of making clear in the text the distinction between coordination of policies and coordination of activities. The Chairman suggested the Committee continue to think about this, and proceed to a consideration of the functions and powers of the Economic and Social Council.

## Functions and Powers of the Economic and Social Council

The Chairman pointed out that there were eleven articles relating to the Economic and Social Council, and there had been a suggestion that some of these should be combined. He called attention to the drafts being circulated, one prepared by Mr. Bailey and one prepared by Mr. Arutiunian of the U.S.S.R. Mr. Hasluck said that he understood the grouping of articles suggested by Mr. Bailey placed the functions into three categories: (1) general functions of the Economic and Social Council, (2) relationship with specialized agencies, and (3) relation with other organs of the Organization. Mr. Arutiunian explained that his draft was an effort at condensation. There was some general discussion of the two drafts, but it was felt that Mr. Arutiunian's draft was too condensed for the purposes of the Charter; on the other hand, it was felt that both papers were useful as a basis for discussion.

> The Chairman asked a small subcommittee consisting of Mr. Bailey, Mr. Arutiunian, and Mr. Darlington, to try to agree upon a draft to be presented at a future meeting of the Coordination Committee.

Mr. Halbuck asked for the Committee's advice concerning the form that the new draft should take. Sir Ramaswami felt it was important not to sacrifice clarity in the effort to achieve condensation; and there was some comment to the effect that the Committee seemed to be moving back toward the form of the Technical Committee's draft. The Chairman said the general rule to be followed in drafting was that one paragraph should describe one function; and an article should represent a single idea or group of functions.

Related Articles of Chapter IV

Discussion was diverted to the related articles of Chapter IV (Doc. WD 336; CO/134).

It was decided to postpone further decisions concerning Article 15.

Article 17

Mr. Aglion read a new draft proposed by the Subcommittee, altering only the latter part of the paragraph, so that it would read:

> "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly. The General Assembly shall consider and approve the budget of the Organization and any financial arrangements with the specialized agencies referred to in Article 60."

The first sentence had been referred back to Committee II/1, because the Committee of Jurists had added a phrase to express a direct financial obligation, "shall be borne by the," which had not been in the original committee draft. Final decision on this Article was postponed until Committee II/1 made its report.

It was agreed to discuss the new drafting proposals for Chapters IX and IX(X) at the meeting of the Committee on Tuesday, June 19, at 3 p.m., at which time Sir Ramaswami Mudaliar would be able to attend.

CHAPTER XV

The Committee took up Doc. WD 382; CO/157.

Article 81

The Chairman asked whether there would be any objection to reversing the order of the paragraphs since the second paragraph covered the adoption of amendments by a general procedure, whereas the first paragraph provided for a special procedure. Mr. Malcolm Davis, Executive Officer of Commission I, said that he thought there would be no objection by Committee I/2 to this change.

> The Committee made the second paragraph Article 81 and reassigned the first paragraph as Article 81 X.
>
> The Article should begin: "Amendments to the present Charter shall..."
>
> Delete "of" in line 11.

Article 81X

There were some questions concerning the French translation of the first sentence and brief discussion concerning the French word "révision" as an equivalent of "review". At Mr. Papánek's suggestion, it was agreed to drop the adjective "general" before "conference", where it appeared twice in paragraph 3. On Mr. Liang's proposal Article 81X was broken into three paragraphs.

Mr. Davis was asked whether in connection with the provisions of the last sentence, the Committee had intended to provide for a vote by a majority of all of the members of the Organization, or only a majority of those voting. He replied that the reference was to a majority of the members of the Organization since the Committee felt that any lesser number would mean that not a sufficient number wanted a conference. In answer to a question about the vote, he said the Committee had expected that two votes would be taken,-one in the Assembly and one in the Council. He thought the Committee would not object to ommission of the word "simple" before the word "majority". It was agreed to transpose "for the purpose of reviewing the Charter," to the first phrase following "... the United Nations". There was some discussion of the substitution of the word "amendments" or "modifications" for "alterations", and their respective meanings. Mr. Davis said that the word alterations had come from the amendment proposed by the sponsoring Governments, but he felt the Committee would not object to substitution of the word "modifications".

The Committee divided Article 81X into three paragraphs:

"1. A general conference ...
"2. Any alterations ...
"3. If such a general conference ..."

The Committee deleted the descriptive word "general" before "conference" except in the first line.

It was agreed to spell "conference" without an initial capital letter.

In paragraph 1 the Committee transposed and altered the language to read: "...United Nations for the purpose of reviewing the present Charter ... by a two-thirds vote of the General Assembly and by the vote of any seven members of the Security Council".

The Committee decided that the French should correspond with the order of the English, beginning with "Une Conférence générale."

In paragraph 2 the Committee agreed tentatively to read "any modification" for "any alteration";

to delete "of" and make the last phrase read "including all the permanent members...

In paragraph 3 the Committee decided that the word "session" should replace "meeting" in two places.

The final clause, "by a simple majority of the General Assembly and by any seven", was changed to read: "by a majority vote of the General Assembly and by a vote of any seven".

Articles 82 and 83

Mr. Pelt reported that the joint Subcommittee meeting with the Jurists would consider the question of a signature paragraph, and it seemed advisable to postpone further discussion until the subcommittee had reported.

Article 83 was only briefly considered.

In conclusion the Secretary made a report on the status of articles before the Committee. Chapters I, III, V, X, XIII and XV were done. Chapters II, VI and VIII were with the Advisory Committee of Jurists. Chapters IV, IX and IX(X) were still under consideration. The other Chapters were awaiting subcommittee reports on special points.

The meeting adjourned at 7:00 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 432
CO/196
August 27, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTY SECOND MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 19, 1945, 10:00 a.m.

The following members were present:

| | |
|---|---|
| Australia | --Herbert Vere Evatt |
| | --K. H. Bailey |
| Brazil | --Cyro de Freitas Valle |
| Canada | --N. A. Robertson |
| Chile | |
| China | --Yuen-li Liang |
| Czechoslovakia | --Jan Papánek |
| France | --Jacques Fouques-Duparc |
| Iran | --Ali Akbar Siassi |
| Mexico | --Rafael de la Colina |
| Netherlands | --Adrian Pelt |
| U. S. S. R. | --S. A. Golunsky |
| United Kingdom | --H. M. G. Jebb |
| United States | --Leo Pasvolsky |
| Yugoslavia | --Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 10:10 a.m.

At the request of the Chairman the Secretary reported that the Subcommittee named to work on the body of the Preamble had met the previous evening and would be ready to make its report at the afternoon meeting, and that the Subcommittee which met with the Jurists Committee to work on the legal form of the Preamble was ready to report now.

Preamble, Article 3,
and Article 82

Mr. Pelt, Chairman of the Subcommittee concerned with the legal form of the Preamble, Article 3 and Article 82, which had met with the Advisory Committee of Jurists, presented for the Committee's consideration the Jurists' report (see Annex A) on these three items, and an alternative text of the governing form of the Preamble prepared to meet the objections of the Netherlands' Delegation to the Jurists' proposal.

Mr. Pelt pointed out that the draft dealing with Article 3, which made provision for the entry of Poland into the Organization as an original member, would require the insertion in Article 82 of an additional paragraph. He noted that the Subcommittee was of the opinion that the Steering Committee should make it clear that a state which had participated in the San Francisco Conference, and for some reason did not sign the Charter, could sign at a later date and still be considered an original member.

The Chairman asked whether the part of the Preamble preceding the paragraph beginning "Accordingly, our respective governments, through representatives assembled..." would have the same binding force as the rest of the Charter. There ensued a general discussion of this question.

Mr. Golunsky was of the opinion that the Preamble had no binding or legal force; it had only a political and moral force, which could be used for the interpretation of intentions.

Mr. Fouques-Duparc and Mr. Papánek explained that in Committee I/1 it had been agreed, however, that the Preamble would have the same validity and force as the rest of the Charter. With that understanding, some delegations had consented to the inclusion of certain amendments in the Preamble instead of in the Chapter on Purposes and Principles. The Chairman read a section of the report of the Rapporteur of Committee I/1 (Doc. 944; I/1/34 (1)) which corroborated this understanding, pointing out that the Preamble was a declaration of common intentions, that the Purposes constituted the cause and object of the Charter to which member states collectively and severally subscribed, and that the Principles set forth the methods by which the Organization and its members shall do their duty and endeavor to achieve common ends.

Mr. de Freitas Valle queried whether the Preamble could be amended, as could be the rest of the Charter. Mr. Golunsky observed that the above view presented a very unusual situation in international law and that if this interpretation concerning the Preamble were to be adopted, it would be necessary to make it clear in the Charter. Mr. Liang supported this point of view. Mr. Bailey, however, felt that there was good ground for the view that the Preamble has a value identical with other parts of the instrument.

> The Committee decided to ask the Committee of Jurists whether it agreed with the ideas concerning the Preamble expressed in the report of the Rapporteur of Committee I/1; and in the event of an affirmative reply, to ask the Jurists whether there should be in the Charter a special provision for the equal validity of the Preamble with the rest of the Charter.

Further discussion of the Preamble was adjourned pending a report from the Jurists' Committee.

## CHAPTER II

The Committee had before it Doc. WD 315; CO/127.

### Article 3

Mr. de Freitas Valle suggested that the first sentence in Chapter 2 should come in Article 17 because it was a question of obligation of membership. The Chairman pointed out that various obligations were scattered throughout the Charter.

The Committee considered the draft of Article 3 suggested by the Jurists on the final page of their report:

> "The original members of the United Nations shall be the states which, having participated in the United Nations Conference at San Francisco, or having previously signed the Declaration of the United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 82.

"An Article in this form would require an additional paragraph to Article 82. That paragraph might read as follows:

> "Any state which did not participate in the United Nations Conference at San Francisco, but which had previously signed the United Nations Declaration of January 1, 1942, may sign the present Charter at a later date."

The Chairman, stated that it seemed clear to him that every participant in the United Nations Conference and every state which was a United Nation at the time but did not participate in the United Nations Conference had a right to sign the Charter. Under this formula only Poland, in addition to the signatories at San Francisco, could become an original member.

The Committee judged that the first paragraph provided a clear enunciation of the definition of "original member" and that the additional paragraph to Article 82 was unnecessary since the word "signatory" did not appear in the proposed article.

The above Jurists' draft of Article 3 was adopted and the proposed additional paragraph to Article 82 was rejected.

Article 4

There was considerable discussion as to whether or not some procedure should be prescribed for completing the admission of a state to membership in the Organization. It was pointed out that the Jurists had already agreed there was no necessity for such a provision and that paragraph 2 made it clear that the decision of the Assembly was the moment when the state became a member. The significant words in the paragraph were "states which accept the obligations". The General Assembly, upon recommendation by the Security Council, would judge whether or not "acceptance" had been expressed. In making an application each state must act in accordance with its respective internal procedures. No provision for adherence, before or after action by the General Assembly, is necessary.

Article 5

The Secretary read the following text approved by Technical Committee I/2 on June 17:

> "The Organization may at any time suspend from the exercise of the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of these rights and privileges may be restored in accordance with the procedure laid down in Chapter ______, paragraph ______.
>
> "The Organization may expel from the Organization any member which persistently violates the principles contained in the Charter."

It was observed that the Charter as yet contained no procedure for expulsion. The Secretary reported that Committee II/2 had jurisdiction over this question and had not yet acted on the text adopted by Committee I/2; it was contemplated that Committee II/2 would make changes in the above draft.

The Committee postponed consideration of Article 5, pending action in Committee II/2.

It was pointed out later in the meeting that the matter of expulsion was still under discussion by the Technical Committees concerned.

The Committee asked the Secretary to inform the Secretary General that the Coordination Committee required a recommendation for a procedure for expulsion from Committees I/2, II/1 and III/1.

## Provision establishing the obligation to bear expenses

Mr. de Freitas Valle considered that the "obligation to pay" should not be expressed in the chapter dealing with the powers and functions of the Assembly. The Committee agreed generally that there seemed to be no logical place for the principle in its broadest sense in the Charter, and that Article 17 was merely a convenient choice. The Committee felt, however, that the eligibility for election to the Assembly of a state in arrears was an issue which should be left to the Assembly. It was pointed out that the eligibility of states in arrears to be members of the Security Council or the Economic and Social Council was not touched upon. Mr. Jebb thought that a member in arrears, and thus unable to vote in the General Assembly, was not likely to be elected.

The Committee agreed to leave the obligation to pay in Article 17, Chapter IV.

Subsequently consideration was given to Article 17 (Doc. WD 336; CO/133). Mr. Pelt suggested putting the second sentence first, so that the order would be the voting of the budget and then the apportionment of expenses. He expressed concern over the editing down of the phrase "any financial and budgetary arrangements" to "any financial arrangements," since the budgets of specialized agencies might well contain arrangements of a particular character. Mr. Jebb supported this suggestion.

The Committee reversed the first and second sentences of Article 17, Chapter IV.

The Committee restored the phrase "any financial and budgetary arrangements" in the latter half of the second sentence.

## CHAPTER XI

The Committee had before it Doc. WD 368; CO/151.

## Article 69

Mr. Pelt reported on the work of the Subcommittee dealing with Article 69. He submitted the following draft from the Subcommittee:

"Revised Paragraph 69

"SECRETARIAT

"There shall be a permanent Secretariat comprising a Secretary-General and such staff as may be required, including specialized staffs for the General Assembly, the Security Council, Economic and Social Council, and the Trusteeship Council, and for any other organ of the United Nations which may require a specialized staff."

Mr. Pelt commentated that it would be an advantage to combine Article 80, Chapter IX (X), and Article 69, while at the same time bringing out the fact that the Secretariat is to be permanent and will have to include specialized staff. The Subcommittee had to think also of the other requirements of the Secretariat, that is a political, non-permanent staff, and so they put in the words "such a staff" to cover it.

Mr. Jebb expressed concern that the wording might tend to emphasize dividing the staff into tight compartments and, consequently, restrict the powers of the Secretary-General to switch members from one section to another according to their worth. He further expressed concern that use of the words "specialized" or "expert" might invite unnecessary contrasts among the several staffs. Mr. Bailey pointed out that the use of the word "permanent" meant the continuity of the staff on the Secretariat rather than the tenure of appointments.

It was pointed out that provision had been made for permament staffs for both the Social and Economic Council and for the Trusteeship Council. The Chairman thought inserting "permanent" before Secretariat might be going too far in Article 69. In order to combine Articles 69 and 80, the first sentence of Article 69 might be kept and Article 80, with its word "permanent", might be introduced in a suitable place and perhaps explained.

After further discussion, Mr. Bailey and the Chairman suggested that the following arrangement for Article 69 might express the Committee's intent:

"Article 69

"There shall be a Secretariat comprising a Secretary-General and such staff as may be required.

"Appropriate parts of the staff shall be permanently assigned to the Economic and Social Council, to the Trusteeship Council and, if required, other organs of the United Nations.

### "Article 69 X

"The Secretary-General shall be appointed by the General Assembly on the recommendation of the Security Council.

### Article 69 Y

"The Secretary-General shall be the chief administrative officer of the United Nations. He shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by those organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization."

## CHAPTER VI

### Article 36

The Committee heard Herbert Vere Evatt of the Australian Delegation, who suggested amending the last sentence of Article 36 as follows:

> "The Security Council ~~may~~ shall, when it deems necessary, call upon the parties to settle their disputes by such means".
>
> (The text proposed to be amended was adopted by Committee III/2 on June 15. On June 17 at its 29th meeting the Coordination Committee had decided to delete "may" and to insert "shall, if it deems necessary".)

In Mr. Evatt's opinion, this amendment constituted a psychological provision which would contribute greatly to the practice of the timely settlement of those disputes whose continuance was likely to endanger the international peace. Such a "reminder"--in which the Security Council would tell disputants that it was their duty to settle their differences peacefully--would spare the Organization and its members many more serious difficulties.

It was pointed out that under this amendment the only discretion the Council would exercise would be, not the manner in which it would call upon parties, but the time when it called upon them.

Mr. Bailey of Australia explained that the amendment merely sought to preserve exactly the discretion as to the time at which the Security Council should intervene with its appeal to disputants which the original Dumbarton Oaks text had contemplated, i.e. in the event of failure to seek a solution or failure to discharge that obligation.

Mr. Golunsky pointed out that this would impose a duty on the Security Council to call upon the parties, and that the Security Council might not find it necessary from the very beginning to recommend a certain way of settling a dispute. He agreed that "shall if it deems necessary" was better than "may"; and if the Security Council did not think it would be appropriate merely to call upon the parties to settle a dispute by means of their own choice, it could recommend a certain way of settling it. The Chairman commented that the Rapporteur of the Committee had reported that the Committee had in mind not creating a situation in which the parties would be waiting for a call from the Council before attempting to do anything in the situation; that must be avoided. He added that there was no question but that Dumbarton Oaks allowed the Security Council to exercise discretion as to which procedure it would employ and how it would employ that procedure.

Mr. Evatt stated that he would prefer not giving the Security Council complete discretion to tell the parties whether or not they are to try to settle a dispute among themselves, because it would be only reminding them of their duty under the Charter. He agreed it would be better to say "shall" in order to avoid such action at so early a stage as to tempt the parties to await the direction or the suggestion.

Mr. Goodrich, Secretary of Technical Committee III/2, explained that the committee had voted to adopt the words, "may, whenever necessary", and to refer to the Coordination Committee, at the suggestion of the Delegate of Australia, the substitution of another word for "may" before the words "whenever necessary". He thought the Coordination Committee could make a substitution without referring it back to Committee III/2. Mr. Jebb commented that, since Committee III/2 voted on a draft from a subcommittee and not on the Dumbarton Oaks text, reference back was not required for making a change; but if the change were one of substance, reference was required.

Mr. Evatt asked if the Committee was prepared to say "shall, if it deems necessary". Mr. Jebb stated that the Committee had so said. Mr. Evatt then proposed "when it deems necessary" as logically giving the Security Council power to view the dispute from point to point. The Chairman recalled that at the 29th meeting the Committee had selected the reading "shall, if it deems necessary" and inquired whether there was objection to going back to the language of the Technical Committee, "shall, whenever necessary".

Analyzing the further discussion, the Chairman noted that the first decision under Article 36 was whether or not a dispute was one likely to endanger the maintenance of international peace and security. Under the article the parties concerned make the determination as to whether they should carry out their obligation, and the Security Council makes a determination in deciding whether the parties are carrying out their obligation. Next the Council has to decide whether in the particular circumstances at a particular time it will be useful to intervene in the sense of calling upon the parties to settle their dispute. He and Mr. Golunsky thought it was not very significant whether "if" or "when" was used with "necessary" in that connection.

To Mr. Evatt's proposal that "if it is not significant, why not say 'when'?", no strong objection was made.

> The Committee adopted the reading: "shall, when it deems necessary..."

The Committee adjourned at 1:10 p.m. to meet again at 3:00 p.m.

## Annex A

## Report of the Advisory Committee
## of Jurists, June 19, 1945

TO THE COORDINATION COMMITTEE:

If it is desired that Article 3 should be formulated in a manner suggested by you in variant (1), the language should be changed to read:

> "The original members of the United Nations shall be the signatories of the present Charter which ratify it in accordance with Article 82".

Your variant (2) reads as follows:

> "The original members of the United Nations shall be the States which sign and ratify the present Charter".

If this form of an article were used any state might claim the right to sign the Charter and become an original member.

The Jurists Committee had preferred what is now stated in your variant (3) and had submitted a draft preamble (CO/93(4)), as revised and sent to the Coordination Committee on June 17, reading as follows:

> "We the Peoples of......................................
>
> "Through the representatives designated by our respective Governments and furnished with full powers found to be in good and due form, agree in conference at San Francisco to the present Charter of the United Nations".

At the same time the Committee of Jurists suggested for Article 3 the following language:

> "The original members of the United Nations shall be the states named in the Preamble which sign and ratify the present Charter".

It is understood that these suggestions did not meet with favor in the Coordination Committee. It should be remarked, however, that it is customary to state in the Preamble of a treaty the name of the signatory powers. The Jurists would prefer to see that done in this case unless there are valid reasons to the contrary.

Your variant (4) could be used in its present form if it were changed to read:

> "The original members of the United Nations shall be the states, named in the Annex, which sign the present Charter and ratify it in accordance with Article 82".

However, the Jurists are of the opinion that such a procedure would be awkward. The annexed list would merely repeat the names of the countries (with the possible exception of the one that has signed the Declaration of the United Nations but is not represented at San Francisco) which would appear as signatories immediately ahead of the Annex.

Your variant (5) is the same as the present Article 3 as approved by the Jurists on June 17. While our first preference would be for the suggestion in your variant (3) our second preference would be our revised Article 3, which is as follows:

> "The original members of the United Nations shall be the states which, having participated in the United Nations Conference at San Francisco, sign the present Charter and ratify it in accordance with Article 82".

The Jurists understand that the object of the suggestion contained in your variant (6) is to enable a state not represented at San Francisco but which had previously signed the United Nations Declaration, to sign and ratify the Charter and thereby become an original member of the Organization. If this suggestion is to be followed, the Article should read as follows:

> "The original members of the United Nations shall be the states which, having participated in the United Nations Conference at San Francisco, or having previously signed the Declaration of the United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 82".

An Article in this form would require an additional paragraph to Article 82. That paragraph might read as follows:

> "Any state which did not participate in the United Nations Conference at San Francisco, but which had previously signed the United Nations Declaration of January 1, 1942, may sign the present Charter at a later date".

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 433 (English)
CO/197
August 28, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTY-THIRD MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 19, 1945, 3:00 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile --
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Rafael de la Colina
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. A. Golunsky
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

Also present were:

India -- Sir A. Ramaswami Mudalia, Chairman, Committee II/3

Guatemala -- Manuel Noriega Morales Rapporteur, Committee II/3

The Chairman, Mr. Pasvolsky, called the meeting to order at 3:00 p.m.

The Committee had before it "Chapter IX, International Economic and Social Cooperation", dated June 19, 1945 (Doc. WD 394; CO/143 (1)), and "Chapter IX (X). The Economic and Social Council," June 19, 1945 (Doc. WD 397; CO/144 (1)).

The Secretary reported that the Subcommittee composed of Messrs. Aglion, Arutinian, Bailey and himself which had been created for the purpose of reorganizing the material in Chapter XI (X) had found it relatively easy to draw up a Chapter in agreed revised form since the drafts which had been submitted were found on examination to be based on the same principle even though they were quite different in appearance.

The Committee proceeded to consider the revised text of Chapter IX first.

## Chapter IX

The text of Chapter IX contained the decisions already made by the Coordination Committee. A new article had been inserted as number 61, necessitating changes in the numbering of the two following articles. In Article 58, the letters (a), (b) and (c) had been inserted, and the word "and" had been inserted following the word "problems;".

The Chairman said there were two changes on which no agreement had been reached by the Committee: (1) the elimination of the enumeration in Article 60, and (2) the insertion of Article 61.

## Article 58

> The Committee decided to adopt in the English text of Article 58 in the form of separate lettered subparagraphs headed by (a), (b), and (c), as in the French text of CO/143(1).
>
> Subject to correlation of the French and English texts, Article 58 was accepted.

## Article 59

Article 59 was accepted without discussion.

## Article 60

Sir Ramaswami Mudaliar, Chairman of Committee II/3, observed that there was neither here nor in Article 68 any definition of "specialized agencies", and he felt it should be made clear to what kinds of bodies this term referred. Mr. Bailey, agreeing with this view, said there were three alternative ways of giving it effect: (1) the use of a separate, interpretive clause, as in a statute, in which certain terms frequently used would be defined once and for all; (2) the employment of a definition at the point where each term first appears, in this case in Article 15, Chapter IV, with a statement that this definition would apply to the term where it appeared later; and (3) the making of internal cross-references, using the full definition in one place, and referring to that place when the term appeared later. Concerning "specialized agencies," the definition might be given in Article 60, and reference made later on to that Article.

Attention was directed to Article 61, and then to Articles 13 and 15 of Chapter IV. Sir Ramaswami Mudaliar said it was immaterial whether the description of the purposes of the "specialized agencies" appeared in Chapter IV or in Chapter IX; he wished only that it be made clear that these purposes should be given adequate recognition in the Charter.

## Article 13

It was decided to return to Article 13, Chapter IV, in view of its bearing on Articles 60 and 61. The Chairman said he feared any substantive change in Article 13 would involve a long discussion, as would an attempt to summarize it, but that some rearrangement might be practicable and desirable. Mr. Jebb suggested that the words "without distinction as to race, sex, language or religion" might be omitted, but the general judgment was that there should be no substantive change in the text as presented by Committee II/3. A change of "basic freedoms" to fundamental freedoms", the term used elsewhere, was discussed.

Article 13, Chapter IV, was revised to read as follows:

"1. The General Assembly shall initiate studies and make recommendations for the purpose of:

"a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

"b. promoting international cooperation in the economic, social, cultural, educational and health fields and assisting in the realization of human rights and basic freedoms for all without distinction as to race, sex, language or religion.

"2. The further responsibilities, functions and powers of the Assembly as regards paragraph b are set forth in Chapters IX and IX (X)."

Article 15

The Chairman said that he thought it undesirable to refer in Article 15 to the General Assembly making recommendations for "coordinating the policies" of the specialized agencies, and then in another place (Chapter IX (X), Article 65, paragraph 2) to state that the Economic and Social Council "may coordinate the activities of specialized agencies". These attributions should, in his opinion be brought together. Sir Ramaswami Mudaliar proposed that the substance of Article 15, paragraph 1, (Doc. WD 336; CO/133), be transferred to Chapter IX (X), and the Committee agreed.

The Committee decided to remove Article 15 from Chapter IV and to incorporate its substance in Chapter IX or Chapter IX (X).

(See Article 61, Chapter IX, and Article 65, Chapter IX (X), below.)

In order to identify the types of "specialized agencies" to be brought into relationship with the United Nations, it was decided to retain the enumeration in Article 60.

M. Aglion said it would be unnecessary, and undesirable from a linguistic viewpoint, to repeat the word "spécialisées" in the French translation of paragraph 2 of Article 60. The Chairman said, however, that the repetition could not be avoided; it was necessary to identify the agencies in the first line as "specialized"--that was the key to the whole Article--and then the reference at the end of the Article to "specialized agencies" would make the reference perfectly clear when the term was used later. It was not enough to call them "specialized agencies" at the end unless it had first been said that they were agencies operating in these stated fields.

The Committee decided upon the following text of Article 60:

"1. The various specialized agencies established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 65.

"2. Specialized agencies thus brought into relationship with the Organization are hereinafter referred to as 'the specialized agencies.'"

Article 61

The Chairman stated that the Chairman of Committee II/3, Sir Ramaswami Mudaliar, felt that Article 61, taken together with Article 63, could be interpreted to mean that the Economic and Social Council might undertake to coordinate the policies of the specialized agencies, as well as their activities. Committee II/3 had taken the view that the coordination of policies should be a function of the General Assembly, while the coordination of activities should be by the Economic and Social Council.

Mr. Golunsky said he thought it was not necessary to be so specific in the Charter. Questions of this type would arise in many articles, and, in any case, it was not possible to provide in the Charter for all eventualities. Mr. Jebb thought the texts of Articles 61 and 63 were satisfactory; the General Assembly should have the general grant of authority here provided and the decision might be left to it. Sir Ramaswami Mudaliar pointed out that to include the activities specifically under the coordinating power of the General Assembly would give the Assembly greater power than Committee II/3 had intended. Mr. Bailey agreed with this interpretation, and said that the adoption of a draft giving the Assembly power to coordinate the activities of agencies, which was a greater power than was accorded in the text of the Technical Committee, would involve a substantive change. The Chairman advanced the view that no new power was given to or withdrawn from the Assembly by the new text; it was merely given the power to confer new functions upon the Economic and Social Council. In any case, he thought that whatever powers were given the General Assembly, it could not be prevented from delegating them to another body to be used under the authority of the General Assembly. Mr. Bailey disagreed with this view, stating that where the Charter expressly provided that one function should be given to one agency, and that another function should be given to a different body, it was difficult to say that a general grant of authority like that in Article 61 should be construed so as to override the more specific provisions.

The Chairman reviewed the Committee's approach to this subject as follows: The original order was Article 63, followed by the material contained in Article 58. In trying to build up Chapter IX, the Committee decided that a description of the system of economic and social cooperation should be provided, and at the end of the Chapter it would be stated that responsibility for this system would be in the hands of the Assembly, and, under its authority, in the Economic and Social Council. This plan then moved on to a statement of the functions of that Council in the following Chapter. All residual functions and powers would remain with the General Assembly. This scheme would be carried out by leaving Article 61 in its present form, by making it clear that Article 65 related only to the coordination of "activities", and that the coordination of "policies" was in the hands of the Assembly.

Sir Ramaswami Mudaliar asked if this change would require a meeting of Committee II/3. The Chairman indicated that since only the drafting and arrangement of the Chapter were at issue, it appeared that Commission II could approve the new text without another meeting of the Technical Committee.

The Committee accepted Article 61 without change.

Article 62

Interpreting Article 62, Mr. Jebb said that in his opinion the General Assembly would initiate negotiations among the states, the Economic and Social Council would carry on the negotiations, and the states would come to an agreement. The General Assembly would instruct the Economic and Social Council in such cases.

The Committee accepted Article 62 without change.

Article 63

The Chairman remarked that a question had been raised as to the utility of the last phrase in Article 63, "which shall have for this purpose the powers set forth in Chapter IX (X)". He had at first shared this doubt, but in the light of the discussion just concluded, he thought this phrase should be retained since it drew attention to the fact that the Economic and Social Council has only the powers set forth in the Chapter, and that residual powers remain with the General Assembly. Sir Ramaswami Mudaliar asked if this phrase meant that the Economic and Social Council would have no other powers than those mentioned. The Chairman said that it would also have any other powers or functions assigned to it by the Assembly.

The Committee accepted Article 63 without change.

## CHAPTER IX (X)

The Chairman stated that the Committee would take up Chapter IX (X), which commenced with Article 63. (Doc. WD 397; CO/144(1), June 19, 1945).

The Secretary explained that the eleven former articles in the section on functions and powers of the Economic and Social Council had been reduced by the Subcommittee to five, Articles 64-68 inclusive.

The scheme of arrangement was that Article 64 deals with the direct action of the Economic and Social Council; Articles 65 and 66 with its relations with the specialized agencies, and Articles 67 and 68 with its relations to other organs of the Organization.

Article 63

The Committee accepted Article 63 without observations.

Article 64

The Chairman noted that paragraphs 1 and 2 should have the same form as 3 and 4, in that "may" should be used instead of "shall have the power"; the Committee was using "may" to mean "have the power", "is empowered," "has authority to" or "is authorized". It was regarded as the strongest and most dignified way of defining functions which are exercised with discretion by the body on which they are conferred.

A discussion was opened on the desirability of again enumerating in this Article the functions of the Economic and Social Council. The Chairman said that this was the first time the functions and powers of that Council were mentioned. The enumeration was retained since it described the scope of the Council's competence with respect to studies and reports.

Sir Ramaswami Mudaliar explained that Committee II/3 had felt that the Council should make recommendations to whomever it wished and on its own initiative concerning the observance of human rights, but that on the other matters recommendations should be addressed to the General Assembly, members and specialized agencies. In the Subcommittee's draft now before the Coordination Committee this distinction was not clearly brought out. In order to preserve the intent of the Technical Committee, it would be necessary to enumerate distinctly the fields in which recommendations could be made, as well as those in which studies might be initiated.

The Chairman said that it seemed best then to return to the original draft of Committee II/3 (Doc. WD 232; CO/64(2)).

> *The Committee accepted the following text for paragraphs 1 and 2 of Article 64:*
>
> "1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the members of the United Nations, and to the specialized agencies concerned.
>
> "2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms."

Paragraphs 3 and 4, relating to preparation of draft conventions and calling of international conferences, were retained as separate paragraphs, the two functions being regarded as distinct from one another. The phrase "within its competence" was retained in preference to a reference back to the enumerations in paragraphs 1 and 2.

> *The Committee accepted paragraphs 3 and 4 without change.*

## Article 65

The phrase, "the appropriate authorities of," in paragraph 1 was dropped as being unnecessary.

The phrase "brought into relationship with the United Nations" modifying "agencies" in paragraph 2 was also omitted since the reference was only to those agencies which had already been brought in.

The relationship between Article 65 and Article 60 was discussed. Mr. Liang said that the latter laid down the obligations on the part of the Organization, while Article 65, paragraph 1, was intended to provide for carrying out the obligations of Article 60 and applied to agencies not yet brought in. The Chairman agreed, and suggested in addition that the singular, instead of the plural, should be used in paragraph 1 in referring to the action of the Economic and Social Council, so that it would be clear that an agreement would be made with each agency.

> The Committee accepted the following text for Article 65:
>
> "1. The Economic and Social Council may enter into an agreement, approved by the General Assembly, with any of the agencies referred to in Article 60, defining the terms on which the agency concerned shall be brought into relationship with the United Nations.
>
> "2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the members of the United Nations.

## Article 66

Mr. Bailey raised a question as to the term, "is authorized to make", and the Secretary said there had been some doubt about the term. Sir Ramaswami Mudaliar stated that some members of Committee II/3 thought this text had been weakened by the term "to make arrangements with"; if the verb "may" were used, the sentence would be still weaker. The Chairman replied that the Coordination Committee used "may" as the strongest word in the Charter. All powers of the Assembly and Council were stated in terms of "may", since it had been considered that "is authorized" was more derogatory of the authority of an organization than "may". He and Mr. Golunsky suggested that there might be a need for a note attached to the Charter defining the meaning of the word "may". On the use of the term "is authorized to", Mr. Bailey agreed that it was weaker than "may"; but he considered it justified in the present instance since an arrangement was being made with an agent to which it was not desired to make a grant of power.

On another, but related, point the Chairman suggested the elimination of the word "also" in the second sentence of paragraph 1; it implied a similar derogation, and might give rise to the impression that the second authorization was less significant than the first.

Mr. Robertson asked if the clause, "and to those of the General Assembly" in paragraph 1, were necessary. The Chairman thought it was, since the Assembly would be making all kinds of recommendations. The discussion centered on how to make it clear that the Economic and Social Council would give effect only to those recommendations of the General Assembly which were within the competence of the Council. From various suggestions, the following wording, offered by the Secretary, was chosen for insertion, after "its own recommendations": "and to those recommendations falling within its competence which are made by the General Assembly".

It was considered advisable to change the verb in paragraph 2 from the mandatory verb "shall" to the discretionary verb "shall".

Mr. Bailey noted that the Economic and Social Council was authorized in Article 65 to make agreements with agencies while in Article 66, it could make "arrangements" for limited purposes. It appeared that the second "arrangement" might well be included in the first; he suggested a broader phrase such as "take appropriate action" or "steps" in Article 66.

> The Committee accepted the following text of Article 66:
>
> "1. The Economic and Social Council is authorized to take appropriate steps to obtain regular reports from the specialized agencies. It is authorized to make arrangements with the members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to those recommendations falling within its competence which are made by the General Assembly.
>
> "2. It may communicate its observations on these reports to the General Assembly."

Article 67

Mr. de Freitas Valle asked about the phrase "may furnish information". "Communicate" and "provide" were suggested as alternatives, but "furnish" was retained in order to convey the idea of initiative in the Economic and Social Council.

The Committee accepted Article 67 without change

Mr. Robertson suggested that the Security Council, under Article 67, might ask the Economic and Social Council, when it was negotiating arrangements with the specialized agencies, to have incorporated in their basic instruments the type of provision contemplated in Article 52, paragraph 2 (Doc. 1135; CO/142 (2)), which aims to enlist the specialized agencies in support of decisions of the Security Council. The Chairman said this was a very good idea, and requested that it be noted in the minutes. He thought a memorandum on this point might be prepared for the Security Council.

Mr. de la Colina called attention to the awkward translation in "assistera celui-ci sur sa demande".

Article 68

Mr. Golunsky proposed striking out "referred to in Article 60" after "agencies." in paragraph 2. The order was made to conform with the French text.

> The Committee accepted Article 68, without change, except for paragraph 2:
>
> "2. It may, with the approval of the General Assembly, perform services at the request of the members of the United Nations and at the request of the specialized agencies."

Article 69

Mr. Liang indicated that in paragraph 2 it was not clear whether the word "those" referred to states or their representatives. The question of a quorum of states or representatives would be settled by the rules of procedure. It was noted that the term "members" had been used elsewhere in the Charter to refer to the states, and that it had that meaning here.

> The Committee accepted Article 69, with the substitution of "the members" for "those" in paragraph 2.

## Article 70

The side heading "Organization and Procedure" was inserted at the Secretary's request. In order to make the headings used in the Charter uniform, it was decided to use "Procedure", instead of "Organization and Procedure" for this section.

The Chairman noted that the Article read rather stiffly, and Mr. Bailey said this form had been adopted to avoid the implication that there would be only one commission in each field. Mr. Liang recalled that the word "the", after a long discussion, had been omitted before "economic and social fields" in order to allow for several commissions if desired. There appeared to be general agreement that this formulation of the Article was infelicitous, but it was also felt that any change would involve reference to Committee II/3, with a consequen retardation of the work of the Conference.

The Committee accepted Article 70 without change.

## Article 71

The Chairman commented that it was clear that this Article referred to non-members of the Economic and Social Council.

The Committee accepted Article 71 without change.

## Article 72

At the suggestion of Mr. Liang, the phrase "brought into relationship with the United Nations" was omitted. The Chairman of Committee II/3, Sir Ramaswami Mudaliar, noted that "such" at the end of the article could become "the".

The Committee adopted the following text of Article 72:

> "The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies."

## Article 73

The Committee accepted Article 73 without change.

## Article 74

The Committee accepted Article 74 without change.

## General Discussion on Chapter IX and IX (X)

Mr. Fouques-Duparc suggested that the term "falling within its competence" was both useless and dangerous, and he thought it should be suppressed. Mr. Bailey said it was idiomatic in English, and had been adopted because there had been difficulties with a French translation for "responsibility". Mr. Liang said the phrase avoided long enumerations. The Chairman stated that this point would have to await the second reading of the Chapters.

The Chairman expressed satisfaction with the new drafts of Chapters IX and IX (X), and Sir Ramaswami Mudaliar indicated that he thought no changes had been made which would require resubmission to Committee II/3.

## CHAPTER XI

The Committee had before it Doc. WD 368, CO/151, June 16, 1945.

The Committee also had before it a typed sheet containing suggested Articles 69, 69 X and 69 Y, as drafted at the 32d meeting:

### "Article 69

"There shall be a Secretariat comprising a Secretary-General and such staff as may be required.

"Appropriate parts of the staff shall be permanently assigned to the Economic and Social Council, to the Trusteeship Council and, if required, to other organs of the United Nations.

### "Article 69 X

"The Secretary-General shall be appointed by the General Assembly on the recommendation of the Security Council.

### "Article 69 Y

"The Secretary-General shall be the chief administrative officer of the United Nations. He shall act in that capacity in all meetings of the General Assembly, of the Security

Council, of the Economic and Social Council and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization."

### Article 69

Mr. Jebb suggested that paragraph 2 might read: "The Economic and Social Council, the Trusteeship Council and such other organs as may require them shall have a permanent staff" or "permanent staffs". In the draft under discussion Mr. Robertson suggested "appropriate staff" and the Chairman submitted "appropriate staff shall be permanently established". Mr. Pelt suggested employing the phrase "specialized agencies" or "specialized staff". Though it was in the now eliminated Article 80 of Chapter IX (X), he did not like the word "permanently"--there was no danger that a staff would be taken away from the Economic and Social Council. Mr. Robertson proposed that the idea that there was one staff including that of the specialized agencies should be brought out by inserting in the first sentence the words "and such staff as the Organization may require". The Chairman and Mr. Bailey took the view that the omission of the word "permanently" with regard to assignment of staff to the Economic and Social Council would involve a change in substance which would requir reference to the Technical Committee, since that word had been very specifically inserted. It was agreed, however, to place it in Article 73 instead of in Article 69. With the addition of Mr. Robertson, the order of sentences in Article 69 was changed.

> The Committee accepted the following draft of Article 69:
>
> "There shall be a Secretariat comprising a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly on the recommendation of the Security Council. He shall be the chief administrative officer of the Organization."

This text utilized the first sentences of Articles 69 X and Y as its second and third sentences.

### Articles 70, 71, and 72.

These articles were not discussed or changed by the

Coordination Committee at this meeting. Article 70 was the second and third sentences of the redrafted Article 69 Y.

Article 73

The idea of the permanent assignment of staff to the Economic and Social Council and other organizations, proposed for insertion in Article 69 in the typed draft before the Committee, was inserted in Article 73. It was considered necessary to retain the phrase "permanently assigned" for the reasons given in the discussion of Article 69. The rearrangement was proposed by the Chairman, Messrs. Bailey, Golunsky, Pelt, and Robertson, in line with a theory that the article consisted of admonitions to the Secretary-General in regulating the Secretariat.

> The Committee divided Article 73 into three paragraphs, and accepted the following text:
>
> "1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
>
> "2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations.
>
> "3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

The meeting adjourned at 6:55 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 434 (ENGLISH)
CO/198
August 31, 1945.

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTY-FOURTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 19, 1945, 9;15 p.m.

The following members were present:

Australia — K. H. Bailey
Brazil — Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile — Absent
China — V. K. Wellington Koo,Jr.
Czechoslovakia — Jan Papánek
France — Charles Chaumont
Iran — Ali Akbar Siassi
Mexico — Rafael de la Colina
Netherlands — Adrian Pelt
Union of Soviet Socialist Republics — S. A. Golunsky
United Kingdom — H. M. G. Jebb
United States of America — Leo Pasvolsky
Yugoslavia — Stojan Gavrilovic

The meeting was called to order by the Chairman, Mr. Pasvolsky, at 9:15 p.m.

### CHAPTER VI

The Committee had before it Doc. WD 371; CO/152.

This chapter had been previously reviewed by the Committee, and the Secretary reported that the Jurists had sent in their comments. They had made no suggestions concerning Article 36, but they had recommended combining Articles 37 and 38 into one article of three paragraphs. They had also recommended combining Articles 39 and 40.

Article 36

Mr. Robertson suggested breaking Article 36 into two parts, combining the first section with article 37. He circulated a draft showing a rearrangement of the articles in the chapter. There were a number of comments on these suggestions.

The Chairman said that he thought the Chapter fell logically into two parts--first, the obligation of members to refer a dispute to the Security Council when they had failed to settle it, and second, what the Council should do when a dispute had been referred to it. Obligations are laid on member states and obligations are laid on the Council. A rearrangement to take into account this logical progression of ideas would result in the Chapter beginning with Article 36, first sentence; then Article 38, then Article 37, then Article 36, second sentence; and then Articles 39, 40, and 41. The order of ideas under this rearrangement would be the following: the obligation parties to a dispute, the right of states to bring disputes to the attention of the Security Council, the beginning of the Council's action starting with investigation, the duty of the Council to call upon the parties, recommending methods of procedure of settlement taking certain facts into account, meeting the situation arising when parties had failed to settle a dispute; recommending terms of settlement to the parties; finally, the special situation when parties chose to call upon the Council to meet action required under Article 42.

Mr. Goodrich, Secretary of Technical Committee III/2, was asked to comment on this chapter. He called attention to the fact that the disputes referred to in Article 38 were not in the same category as those in Article 36; those in Article 38 included "any dispute", whereas disputes in Article 36 were those "likely to endanger the maintenance of international peace and security". The phrase "any such dispute" in Article 38 referred back to the phrase in Article 37. Mr. Robertson thought the difficulty of beginning the chapter with the first sentence of Article 36 lay in the fact that there was no provision in this sentence for determining when the continuance of a dispute would be likely to lead to international friction. He did not think that parties to a dispute could be expected to agree on this matter. Mr. Goodrich said that the phrase "the continuance of which is likely..." was taken from the Dumbarton Oaks Proposals. The Chairman pointed out, however, that in that text the phrase had followed the provision for investigation. Mr. Robertson and the Chairman thought that reference to the principle in Article 2, paragraph 3, would clarify the Article.

Mr. Bailey said he had discussed this paragraph with some of the members of Committee III/2 and he was under the impression that the Committee had had many long discussions on this point and adopted the report after very long delays. He questioned whether any drastic change could now be made in the arrangement. The Chairman suggested that, in view of the fact that the Commission had already approved this report and had attached importance to the order of the paragraphs, it would be appropriate for the Coordination Committee to submit an alternative draft to the Commission for its consideration. Several members felt that the Technical Committee should be consulted, but this appeared to be difficult due to the short time remaining.

> The Committee agreed to adopt the wording of Article 36 for the present.
> The Article was put in two paragraphs.
> The Committee decided to prepare an alternative draft rearranging the articles in the Chapter.

Article 37

The Committee redrafted the Article to read:

"The Security Council ~~is empowered to~~ may investigate any dispute, or any situation which ~~may~~ might lead to international friction..."

Article 38

The Jurists had favored combining Articles 37 and 38, but a number of members expressed their disagreement with this suggestion. Mr. Golunsky thought they should remain as separate articles because Article 37 dealt with the action of the Council, while Article 38 dealt with the action of the Members of of non-member states. Mr. Bailey thought "any such dispute" in Article 38 was ambiguous. He expressed the opinion that it was intended to refer to a dispute of the character determined by the operation of Article 37, but Mr. Goodrich said that was not the view of the drafting subcommittee of Committee III/2. In Article 37 the initiative fell to the Security Council and in Article 38 to the member, in each case with reference to "any dispute or any situation which may lead to international friction or give rise to a dispute". In order to avoid using "such" as a cross-reference from article to article, the reference in Article 38 was made to Article 37.

Mr. Robertson suggested that "such" in paragraph 2, "any such dispute", had no antecedent and should be dropped. Mr. Jebb inquired whether a non-member state could really bring before the Security Council a dispute which did not endanger the peace, and Mr. Golunsky said the underlying thought was that only the Security Council could properly determine whether the particular dispute could endanger the peace or not.

> The Committee agreed to amend Article 38 to read as follows:
>
> "Any member of the ~~Organisation~~ United Nations may bring any ~~such~~ dispute or any situation of the nature referred to in Article 37 to the attention of the Security Council, or of the General Assembly which will act in accordance with the provisions of Articles 12 and 12 (X).
>
> "A ~~non-member~~ state which is not a member of the United Nations may bring to the attention... Any ~~such~~ dispute... in the present Charter.

Articles 39 and 40

Mr. Koo asked whether the phrase "of a situation of like nature" referred to the phrase in Article 36, "the continuance of which". Mr. Golunsky replied that it did; in fact, he said, if the wording of Article 36 were changed, other changes would be required in Articles 38 and 39.

> The Committee agreed to combine Articles 39 and 40, in three numbered paragraphs.

The Secretary reported that the Jurists had replied to the Committee's request concerning the use of the word "justiciable" in Article 40 that "legal" should not be used, as it was a broader term. Mr. Golunsky felt that justiciable was the broader term. He said that "legal" was used in the Court Statute and it would be very confusing not to use it here. Mr. Goodrich said Committee III/2 had understood that the Coordination Committee could substitute "legal" if they desired.

The Secretary also had a report from the Jurists on the use of the word "normally" in Article 40 to the effect that it should be understood as "generally speaking". The Committee chose "as a general rule" after discussion of the French equivalent.

A third report from the Committee of Jurists regarding the references to the Court said the existence of the Court does not preclude other means of settlement. Optional jurisdiction under the Statute allowed parties to choose other methods, under Article 36 in the Statute. Mr. Bailey was impressed by the argument that it was questionable to say that there was a general rule that a dispute should be referred to the International Court. The Chairman agreed there was no obligation resting on member states except in so far as the Council was empowered to take the Court into consideration.

There was considerable discussion of the suggestions and the relative merits of various words proposed as alternatives in this paragraph. The question of the Court's jurisdiction led to a discussion of the appropriate phrasing for "take into consideration" in Article 39, paragraph 2, and new paragraph 3 (old Article 40). In addition, there was involved the question as to whether the proposed wording made it mandatory upon the Security Council to take certain things into consideration or whether the Council was allowed some discretion; the auxiliary "shall" was changed to "should", which was a return to the draft of Committee III/2. Although some of the members were not satisfied with the grammatical style of these paragraphs, it was agreed not to make any changes in the phrase "take into consideration". In paragraph 3 the French "tiendra compte du fait" was said to identify no "fact" but no satisfactory object of the verb was found in English or French.

The Committee adopted Article 39 in three paragraphs, as follows:

Paragraph 1, no change.

"2. The Security Council ~~shall~~ should ~~however~~ take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties ~~under article 36 for the settlement of the dispute~~.

"3. In making recommendations under this article ~~39~~ the Security Council ~~shall~~ should take into consideration that ~~justiciable~~ legal disputes should ~~normally~~ as a general rule... International Court of Justice, in accordance with the provisions of the Statute of the Court."

### Article 41 (40)

In view of the combination of Articles 39 and 40, this article became Article 40. The Chairman suggested substitution of "should" for "if" in the first line and separation of the article into two paragraphs. Mr. Jebb and several other members suggested leaving out "whether itself". These changes were agreed upon including an additional change, the omission of "particular" in paragraph 2.

> The Committee divided the Article into two paragraphs. "If" was changed to "should" in line 1. The words "particular" and "whether itself" were stricken out.

Article 42 (41)

This article became Article 41. The Secretary reported that the Jurists had been asked whether the last phrase of the paragraph was necessary. They had reported that since the article had been discussed for a long time in the Committee they thought that this phrase should remain. Mr. Bailey was of the opinion that this phrase had been accepted hastily by the Committee with the suggestion that it be referred to the Co-ordination Committee for final consideration. Mr. Goodrich confirmed this by reading from the minutes of the meeting of the Committee at which the Article had been adopted.

The Chairman pointed out that one of the purposes of the Organization would be "the maintenance of international peace and security"; also, in the chapter on principles, the Organization should act in accordance with certain rules; and the members conferred on the Security Council primary responsibility for the "maintenance of international peace and security". In conferring these powers, the Charter said: "In discharging these duties the Security Council shall act in accordance with the principles and purposes of the United Nations". In Article 42 there was reference again to the principles of Article 2, paragraph 3. He cited this as a major example of repetition in the Charter. Mr. Koo thought the reference to paragraph 3 of Article 2 was not only to international peace and security, but also to justice, with a view to insuring that the settlement would not be an unjust one. The Chairman pointed out, however, that in all the Chapters on settlement of disputes certain principles were to be observed and these included justice. Mr. Jebb suggested substituting "a peaceful settlement" for "its settlement". The Chairman proposed using that and stopping, with the omission of the final clause.

Mr. Jebb asked about the meaning of the introductory phrase of the paragraph, "without prejudice to the provisions of Articles 36 to 41..." A number of members expressed their confusion on this point. The Chairman said that this article represented a power given to the Council to recommend terms of settlement in a situation in which it was not empowered to act under former Article 41. He thought the significant fact in this article was the power of the Council and that it could not be prejudiced by anything in Articles 36 to 41. It was observed that this Article was originally the first of the series, and the words under discussion had more significance in that position.

The Committee agreed to retain the introductory phrase.
The Committee deleted "its settlement" and substituted "a peaceful settlement of the dispute".
The phrase "in accordance with the principles laid down in Article 2, paragraph 3" was stricken out, subject to the agreement of the Advisory Committee of Jurists.

## Alternative Draft, Chapter VI

The alternative draft decided upon earlier was put together after the Chapter was finished. Mr. Robertson offered revisions of Article 36, paragraph 1, embodying the principle of Article 2, paragraph 3 and of Article 36, paragraph 2, including the same definition of a dispute. The draft (Doc. WD 409; CC/152 (2)), with these changes included, arranged the new text in this order: Article 36, paragraph 1; Article 37; Article 38; Article 38X (Article 36, paragraph 2); Article 39 (Article 39, paragraphs 1 and 2 combined, and paragraph 3 as 2); Article 40; Article 41.

It was decided to submit both drafts to the Advisory Committee of Jurists.

Mr. Jebb said there were two advantages to this order: the elimination of the uncertainty in the first sentence as to determining the nature of the dispute, and the placement, in its proper sequence and farther down, of the decision of the Security Council to "call upon the parties". The Chairman summarized the reasoning of this order to this point as the obligation on the member states. Then began the determination possessed by the Council under the provision for investigation, followed by the right of member states to bring the situation to the attention of the Council. The Council, having received information and investigated, would proceed to its first decision --whether to call on parties. The next decision would be as to recommendation of procedure. If failure had occurred, the Council would make its second decision, namely, whether continuance of a dispute was likely to endanger maintenance of international peace and security. If the Council decided that peace was endangered, it would take action under Articles 39 and 41.

## CHAPTER VII

This Chapter (Doc. WD 378; CO/142 (1)) had been read a number of times by the Committee. There were no substantial changes in connection with Articles 43 through 50. A few points in the French text of Articles 49 and 52 were noted and it was agreed that these would be taken care of in the final French draft.

### Article 46

> The Committee struck out "the" from "by air, sea or land forces".

### Article 51

One change was suggested for paragraph 2, the substitution of the verb "consist" for "be composed".

Mr. Bailey suggested addition of the word "appropriate" before "regional agencies" in paragraph 4. Mr. Golunsky thought that, as the paragraph now stood, it could mean that the subcommittee should consult with all regional agencies regarding its plans for establishing any regional subcommittee. There was some discussion of the best word—"appropriate" or "concerned"—to convey the idea that the Security Council would not be expected to consult all regional agencies but only the appropriate agencies in the region concerned. Mr. de la Colina felt that "appropriate" or "any appropriate" would be satisfactory and that this was a point which might well arise in connection with the inter-American system. Mr. Golunsky said that "any" would be difficult to express in Russian, and the general view was that it was ambiguous. Mr. Bailey raised the further question as to whether it was intended that regional subcommittees should exist only where there were regional agencies; in other words, was the existence of a regional agency made a condition for the establishment of a regional subcommittee? Mr. Jebb said there was also the difficulty of defining what was meant by a regional agency. It was agreed to insert the word "appropriate", which is also used in Article 52, subject to consultation with the Secretary of Committee III/3.

> The Committee in paragraph 2 deleted "be composed" and substituted "consist".
> In paragraph 4 the new reading is "appropriate regional agencies".

## Article 52

Mr. Jebb and Mr. Koo both raised questions concerning the "specialized agencies" mentioned in Article 52, paragraph 2. They wondered whether these were the agencies specifically referred to in Article 60 and, if so, would it not be better to put in a reference to Article 60. Mr. Golunsky said that, on the other hand, the Security Council might want to cooperate with some specialized agency which would not come under Article 60 because it did not have sufficiently wide responsibilities. He favored keeping the adjective "specialized" but without reference to Article 60. Mr. Jebb thought a wider term should be used since it was desirable to refer to more and other agencies than those provided in the Economic and Social Council. Mr. Robertson suggested "related" agencies. Mr. Gavrilovic said that he thought the present wording was ambiguous, since military and economic agencies were envisaged.

Mr. Jebb thought the criterion should be any agency that would help the Security Council, but the Chairman felt that the agencies referred to were of a definite specialized character. He suggested referring the matter to the Technical Committee for an interpretation. Mr. Gavrilovic considered it very important to get a clear interpretation, pointing out the fact that governments in the League of Nations did not have the authority to call on specialized agencies and for this reason were often denied information which they needed.

Mr. Robertson and Mr. Bailey felt the matter was not important enough to refer to the Committee. The Chairman suggested that, in view of the difference of opinion which had developed concerning the interpretation of this article, the Secretary should consult the officers of Committee III/3 and see whether they would accept a substitution of "international" for "specialized".

> The Committee agreed to ask Committee III/3 if the reading "appropriate international agencies" would constitute a substantive change.

Mr. Bailey recalled the decision with respect to action of the agencies in paragraph 2. The obligation to carry out decisions fell on the members, not on the agencies, said Mr. Golunsky. Mr. Jebb suggested that, instead of "action of", it should read "action in".

> The Committee changed "action of" to "action in", subject to approval by Committee III/3.

Mr. Koo asked whether "they" in paragraph 2 referred to some or all of the members. Mr. Golunsky said the obligation was upon all the members. Mr. Jebb pointed out that some members could work through agencies and some could not. The Chairman noted that the Security Council would exercise a discretion according to circumstances.

Articles 53 and 54

There were no comments on these articles.

Chapter VII, subject to the several points referred to the Secretary, was considered adopted.

The Secretary presented a schedule of work and enumerated the chapters which still had to be discussed. The Statute of the Court was ready in galley proof. Chapters I, III, V, X and XIII had gone out and Chapters IX, IX (X) and XI were ready to go out, with Chapters VI and VII ready after approval by the Jurists. Chapters II, IV, XV and the Preamble were held up for decisions still to be taken by the Technical Committees. Chapter XIV was now in hand, and Chapter VIII was with the Jurists who wished to consider "enemy states" in both of them. Chapter XII had not yet been received in full.

The meeting adjourned at 1:35 a.m.

*The United Nations Conference on International Organization*

RESTRICTED
WD 435 (ENGLISH)
CO/199
September 4, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTY-FIFTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 20, 1945, 10:00 a.m.

The following members were present:

Australia — K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada — N. A. Robertson
Chile -- Félix Nieto del Río
China — Yuen-li Liang
Czechoslovakia — Jan Papánek
France -- Jacques Fouques-Duparc
Iran — Ali Akbar Siassi
Mexico — Rafael de la Colina
Netherlands -- Adrian Pelt
Union of Soviet Socialist Republics -- S. A. Golunsky
United Kingdom — H. M. G. Jebb
United States — Leo Pasvolsky
Yugoslavia — Stojan Gavrilovic

Also present was:

Ukrainian Soviet Socialist Republic Dmitry Z. Manuilsky (Chairman, Committee,I/1)

The Chairman, Mr. Pasvolsky, opened the meeting at 10:25 a.m.

The Committee had before it the following papers which, in the course of the discussion, were identified by the letters here prefixed to them:

A. Preamble and Preliminary Article, Chapter I and Chapter II, Doc. WD 402; CO/164, June 19, 1945;

(This text of the Preamble is that of Committee I/1 as modified by the Advisory Committee of Jurists to read "agree to the present Charter of the United Nations" and with that committee's addition of a Preliminary Article.

B. Report of the Advisory Committee of Jurists (excerpt), June 19, 1945;

C. Alternative text presented by Joint Subcommittee of the Coordination Committee and the Committee of Jurists, June 18, 1945;

D. French draft by Mr. Fouques-Duparc, manuscript in hands of some members.

(Documents A, B and C, and the operative words of D, are given in Annex A.)

Mr. Robertson reported for the Subcommittee on the Preamble. He, Messrs. Bailey, Fouques-Duparc, Jebb and Darlington had met on June 18. He said that an effort had been made to draft a short document, containing the principal ideas in the draft of Committee I/1, and a hasty draft had in fact been completed. He had, however, satisfied himself as a result of discussions with members of that Committee, that there was almost no possibility of the acceptance of a draft of this type. The Subcommittee was, therefore, not submitting a draft. Remarking upon the repetition of the ideas of the Preamble which was evident in Chapters I and II, he said he regretted his inability to make a more positive report other than to say that there was little the Coordination Committee could do beyond making a few minor changes in this leading part of the Charter.

Mr. Fouques-Duparc referred to the opening words, "We, the peoples"; while they possessed a certain resonance in the United States, and an authority derived from the American Constitution, he feared their use might give rise to criticism rather than enthusiasm. The constitutional problem in France and in some other countries as well might be met by such a formula as: "In behalf of the peoples of the United Nations, the governments of the United Nations agree to the present Charter".

Mr. Pelt expressed a similar view, emphasizing that "We, the peoples" sounded pretentious and possessed no status in a juridical sense, according to the Constitution of the Netherlands, and remarking that even the "Alternative Text of Preamble Presented by Joint Subcommittee of the Coordination Committee and the Committee of Jurists" (Draft C) did not fully satisfy him on this point.

The Secretary, Mr. Darlington, read from the report of the Committee of Jurists on the legal validity of the Preamble, which states:

"It is thus clear that there are no grounds for supposing that the Preamble has less legal validity than the two succeeding chapters. We found it appropriate to state the last remark which could otherwise be taken for granted.

"General speaking, a preamble consists of a statement of the broad general aims and intentions of the contracting parties. There would seem to be the nature of the preamble here in question and as such it has validity. The actual contractual obligations are incorporated in the articles that follow the Preamble. If it is desired to ascertain what those obligations are, one must look to the articles. Nevertheless, the Preamble may be drawn upon to explain an ambiguous statement in an article and to this extent it may be said to have a juridical status."

To make the reasoning of this statement clear, Mr. Golunsky explained that there were two approaches. If you say that a text has legal validity, it means that what was intended to be expressed in the document was legally expressed. But if you ask if the legal significance of the Preamble and the rest of the Charter is the same, the answer is no, for the Preamble does not express any specific obligation. The Committee of Jurists, as quoted by Mr. Darlington, said that there was no contractual obligation in the Preamble, but that it might be drawn upon to explain an ambiguous statement in the Charter, and to this extent it would have a juridical status. Mr. Jebb asked whether the Preamble could be amended, and Mr. Liang observed that while the Charter could be enforced without the Preamble, the Preamble could not be enforced without the Charter.

## Legal Formula

The Chairman suggested that the Committee attempt to reach agreement on the form of the Preamble. He asked if the form of Draft C were acceptable. Mr. Jebb said that it was. Mr. Pelt was satisfied with Draft C legally, but its opening phrase was difficult to translate into French. In principle both it and the French text placed the Preamble outside the Charter; it began, "We, the peoples", but it was clear at the end of the Draft that it was the "respective governments" which agreed to the Charter. This was the fundamental difference between this draft and that of Committee I/1, because the latter stated, in effect, that "We, the peoples... agree to the present Charter".

Mr. Bailey asked why Draft C had to be read as "We, the peoples... have resolved to combine our efforts to accomplish these aims. Accordingly, our respective governments..." If the intermediate phrase were dropped out and the establishment clause made the object of "We, the peoples" the legal problem of making the governments the parties to the Charter would be simplified. Mr. Golunsky explained that it had been necessary to break the thought into two sentences. So long as "We, the peoples" began the sentence, the phrase was its subject.

The Chairman observed that there were three alternatives before the Committee:

1. In the text adopted by Committee I/1 (cf. Draft A), "We, the peoples" are the parties to the agreement; acting through their governments, but the verb "agree" relates to them;

2. In the "Alternative Text" (Draft C) of the Joint Subcommittee, "our respective governments" are the parties to the agreement, on their own behalf; being motivated by the peoples; and,

3. In the French text (Draft D) the parties are governments, acting "on behalf of the Peoples of the United Nations."

Mr. Liang said that the "Alternative Text" (Draft C) had been aimed at satisfying certain delegations which placed great importance on the words "We, the peoples", and at the same time avoiding the legal difficulty expressed by Mr. Pelt. It was too late at this stage to try to suppress the words "We, the peoples" by reopening the question before Committee I/1, and the "Alternative Text" seemed to be a suitable basis for adjusting various points of view. Mr. Robertson suggested that "we" might be put in the first person in English and in the third in French.

The Chairman remarked that the problem of translation was of great importance, for the Charter would be translated into many languages. Since mention had already been made of the difficulty of finding an appropriate phrase in French for "We, the peoples" it was clear that the text produced by Committee I/1 gave rise to problems of style and effect, as well as those of a legal character. It seemed clear, in his view, that the parties to this Charter were the governments represented in San Francisco. In one form or another, therefore, a statement was needed in the Charter to indicate that those governments had agreed to the Charter. It must be entirely clear that it was not the peoples acting through their representatives nor the people acting through their governments: it was the governments acting through their representatives that would agree to the Charter. It was necessary to devise another form than that proposed by

Committee I/1 in order to make the Charter a legal document.

Mr. Liang observed that "peoples" can be identified with states. China means the state of China and a logical meaning of that would be the people of the state of China. He urged that states as well as governments are proper parties to treaties, and since "peoples" instead of "states" here was only the result of political compromise he did not think lawyers would seriously object to the word "peoples". This view was supported by Mr. de Freitas Valle.

The Chairman asked whether the form: "We the states signatories, acting through our governments.... have agreed", would have the same effect as "We, the peoples". Mr. Golunsky thought the effect was not quite the same; in the Chairman's example, the initial phrase would be entirely adequate to its legal significance. With "We, the peoples", it was doubtful that the meaning of "We, the states" could be inferred.

The Chairman then asked whether the Committee took the view that a Preamble which would be divided into two sentences along the lines of the proposal of the "Alternative Text" (Draft C) would have the significance given to the Preamble in the report of Committee I/1. Mr. Golunsky favored one sentence, if possible, in order to avoid the possible interpretation that the first of two sentences might be considered to some degree to be outside the Charter. One sentence was the objective of the Jurists in Draft A. Mr. Jebb agreed with this view.

The Chairman set before the Committee three possible lines of approach to the problem of the Preamble: (1) to use one sentence beginning "We, the peoples"; (2) to use two sentences; (3) to adjust the phrase "We, the peoples" in such a way as to make the document legally acceptable.

Mr. Liang advanced the view that Draft B could satisfy both the emotional adherents of the phrase "We, the peoples" and those who read it with the government as the maker of treaties. Mr. Pelt remarked that in the Constitution of the Netherlands there was a clear distinction between state and people, and while he felt that he could accept either the "Alternative Text", Draft C, or the French Draft D, which Mr. Fouques-Duparc had prepared, he did not consider the text of Committee I/1, Draft A, to be satisfactory.

Mr. Golunsky suggested that the difficulty in which the Committee found itself was mainly of a verbal character. Since there will be signatures of the representatives of the governments, and the representatives will have full powers to sign, the legal formalities will have been met. and the Charter will have legal effect. While he was willing to accept the Committee's text, he said he fully understood the views of those members who foresaw legal difficulties unless that text were modified. Mr. Liang thought that the difficulty was not of a general character, but lay in the law of some states.

When Mr. Pelt reaffirmed his desire to see the adoption of the "Alternative Text," Draft C, or the French Draft D, Mr. Bailey remarked that there was a real advantage in settling on a form which would emphasize that the Charter was emanating from the people, but at the same time he would have serious doubts about leaving the document in a form which did not on its face indicate that it was a treaty. He therefore came to the conclusion that the "Alternative Text," Draft C, was desirable in making what he considered an admirable compromise between the two points of view.

The Chairman said he thought that the problem might be resolved by giving the first part of the Preamble sufficient solemnity to make it stand out as a contract, while the second part should leave no doubt that the Charter was a legal instrument.

In the course of the discussion it appeared that the Committee was in favor of presenting two alternative drafts of the Preamble to the Executive Committee: the "Alternative Text," Draft C, and that of Committee I/1, Draft A. Mr. Fouques-Duparc said he thought the Committee favored the former, and he was willing to accept that text, provided that the French translation of "We, the peoples", should be "Les peuples". It was noted that these different versions would involve no change of meaning, but would involve a substantial change in psychological effect. The Chairman commented that there was no way to control the 40 translations that would be made.

*The Committee agreed to retain Drafts A and C under consideration*

Mr. Manuilsky, Chairman of Committee I/1, on being asked by the Chairman, said he favored the Committee Draft, but he was willing, if necessary, to accept the "Alternative Text".

### Literary Style

The Committee turned to an examination of the Preamble with reference to its literary style, with the text of Committee I/1 (Doc. WD402; CO/164) before it.

Mr. Jebb had two suggestions with respect to arrangement.

The Committee struck out the title "Preamble".
The Committee agreed to setting off the past
participle "determined" in a separate line.

Archibald MacLeish, Assistant Secretary of State of the United States, was presented to the Committee by the Chairman, who said that Mr. MacLeish had made a study of the Preamble from a literary and substantive point of view, and would make a statement to the Committee.

Mr. MacLeish said he approached the Preamble from the point of view of an officer of the Department of State responsible for presenting the Charter to the people of the United States. From that point of view he felt that the Preamble in its present form would not help in obtaining popular acceptance of the Charter, but might have a contrary effect. This view, he added, was not based on the contents of the Preamble, but had reference to its form. The Preamble, in his opinion, did not add anything to the legal content of the Charter. It did not have an emotional impact in the English tongue.

From the point of view of form only, he felt it would be most unfortunate to adopt the Preamble as proposed by Committee I/1, and he suggested that its content was such that a rather simple re-arrangement would give it impact and force in English. As at present drafted, the Preamble states a number of purposes and the means for their attainment. He considered that the means mentioned were really basic assumptions on which the peoples are to act. It would be preferable, in his view, to summarize the "means" into a few basic assumptions, and place them at the beginning as motivating forces, and then to summarize the principles at the end as objectives. In this way, all elements in the Preamble might be brought together forcefully and effectively. While he realized that it might perhaps be too late to raise these questions, he nevertheless did so because he had been asked to express an opinion upon a matter of concern to those who were in a position to present the Charter to the people of the United States.

Mr. de la Coline said he was wholly in agreement with Mr. MacLeish's suggestion; he felt that the Preamble should be a literary masterpiece, and expressed the opinion that it should perhaps be written by one man rather than by a committee.

A draft attempted in Mr. Robertson's Subcommittee was distributed. It was later withdrawn without consideration.

Mr. Manuilsky remarked that Committee I/1 had taken account of certain legal factors in its considerations; he felt that too much change would create difficulties in that Committee, and he hoped the American Delegation would not insist on its proposal. He said it would be hard to get the Committee to agree on a new text, and recommended that the present text be adhered to closely by the Coordination Committee.

The Chairman said that the Coordination Committee was taking the text of Committee I/1 as its basis of discussion, but was considering how to express the same thoughts in different language and in a different sequence. He understood that the Committee had been given considerable liberty as concerned questions of expression and the correlation of this part of the Charter with the remainder. One of its most important tasks, assigned to it by the Steering Committee of the Conference, was to see to it that all parts of the Charter are consistent with each other in an integrated whole. He thought perhaps the best procedure would be to try to get a clear understanding of the ideas meant to be expressed in this Preamble, and then to find a method of expressing those ideas that would meet all other requirements.

Mr. Bailey said he did not think that the Preamble in its long form, as presented by Committee I/1, was the most effective way of introducing the Charter. He agreed with a point made by Mr. Fouques-Duparc that in any reformulation of the Preamble care must be taken that no idea which found a place there instead of in the body of the Charter be removed from the Preamble, but at the same time repetition should be avoided. The Committee was here offered an opportunity to obtain a draft Preamble prepared by one man who possessed the necessary literary skill, rather than one which was the outcome of the rather hurried work of several people on a busy evening. He said he thought there were many delegates who felt some uneasiness lest in the manner in which these parts of the Charter were being prepared, the final steps were not taken to ensure that the Charter as a whole would be an effective instrument. He thought the question of the form of the Preamble should receive the fullest consideration, and he thought it might be desirable to offer the Technical Committee an alternative draft to aid it in its deliberations.

The Chairman said that Committee I/1 attached great importance to the ideas expressed in its draft, and it was not for the Coordination Committee to alter those ideas. It was within that Committee's province, however, to look at the places where these ideas appeared, and to suggest a better arrangement or expression of them. He thought the Committee could not go forward unless some one took hold of the Preamble and tried to state its ideas in such literary form that it would be possible to leave the

Chapter on Purposes and Principles as it stood, and avoid repetition in the Preamble, while expressing therein the same ideas in the ringing language of a preamble rather than in that of a legal document. He asked if there were three volunteers from the Committee who would attempt this task. Mr. Papánek suggested that Messrs. MacLeish, Robertson and Fouques-Duparc might constitute a subcommittee for this purpose.

Mr. Manuilsky said that he thought, whatever the form of the proposed new draft, all the ideas in the final text must be exactly the same as those in the text proposed by Committee I/1. He wished to emphasize this point, and to indicate that in the French Draft, for example, he found no statement about the equality of rights of women. Mr. Fouques-Duparc said those rights were embraced in the broader language used.

Mr. Robertson said he did not feel he could serve on the subcommittee.

Mr. MacLeish said he would now leave the meeting, and would place in the hands of the members of the subcommittee a paper with which the members might do as they wished.

## CHAPTER I

### Article 2

Mr. Manuilsky for Committee I/1 suggested the deletion of the words "or state" in paragraph 4 (Doc. WD 402; CC/164), in order that non-members should not benefit from a pledge by members to abstain from "the threat or use of force against the territorial integrity or political independence of any member or state". The guaranty could not be extended to ex-enemy states. It was suggested that this involved an important change of substance. Mr. Jebb proposed the deletion of the words "member or", without which the sentence meant the same as with it. Mr. Golunsky said he thought there would be no change in substance if this verbal modification were made. Mr. Robertson noted that Germany and Japan would be covered by the chapter on transitional arrangements. Mr. Bailey asked if Mr. Manuilsky had not proposed the deletion of the words "or state", but Mr. Manuilsky said he agreed with the new proposal to omit the words "member or".

The Chairman had a note made of the suggestion for the third reading of the Article.

## CHAPTER VII

### Article 52

The Secretary said that there were two points in the second paragraph of Article 52 which had given rise to doubts; the first was whether "international" might be substituted for "specialized" in view of the technical meaning which the latter term had acquired, and the second was whether "action in" was not preferable to "action of" the agencies in question.

William T. R. Fox, Secretary of Committee III/3, said that he had been instructed to say that the Committee had had in mind a range of organizations wider than those included in the group denominated "specialized" in Chapter IX, and that there was no objection to the substitution of "international" for that term.

The Committee substituted "international" for "specialized".

On the second question, the effect of the present language was to distinguish between direct action by the members, and their indirect action through the agencies. The maintenance of the existing phraseology seemed preferable to Mr. Fox. Mr. Bailey said that on this point, he understood the reading to be: acts of members "through action in". The difficulty with maintaining "of" was that the result would be to impose, by implication, the obligation upon the agency, which he thought would be undesirable. He added that in all probability the specialized agencies, in their relation to the Organization, were apt to form a point of controversy in the future, when they might assume a real political importance. It would be therefore unfortunate if at the present time an unfortunate reference were not cleared up; in the present case he thought the obligation in the Charter should be imposed upon the members, which would determine the action of the agencies. He did not think the existing phraseology did that.

The Chairman said that the theory was that these agencies did not have an existence, so far as decisions or action was concerned, apart from the members who compose them. He thought that the text had been introduced because it had not been desired to give members an opportunity to say that, since the agencies were independent, they themselves did not have to take any action. There was no difficulty with respect to agencies controlled by the members of the Organization. Mr. Bailey then suggested a redraft of this part of the Article, which, based on the general obligation of Article 25, indicated that the members should do something more than carry out decisions of the agencies. The proposal was agreed to by Mr. Fox, Secretary of Committee III/3.

The Committee accepted the following text of Article 52, paragraph 2:

> "2. Such decisions shall be carried out by the members of the Organization directly and through their action in the appropriate international agencies of which they are members."

Article 55 (54)

This Article was adopted by Committee III/4 on May 24 (WD 101; Doc. CO/62) and approved by the Coordination Committee on May 28 (Doc. WD 146; CO/62 (1)). Committee III/4 recommended that it be placed as a separate section in Chapter VIII on regional arrangements, but the Advisory Committee of Jurists recommended that it become the final article of Chapter VII, which would assign it as Article 54 in the Skeleton Charter. A revision of the text by Mr. Robertson (Doc. WD 224; CO/62 (2)) of June 8 was reproduced without identification as an article on June 16 (Doc. WD 353; CO/140) and was considered at this meeting.

The revision of the text of Committee III/4 proposed by Mr. Robertson was as follows:

> "Nothing in this Charter shall ~~impaire~~ impair the inherent right of individual or collective self-defense ~~if an~~ against armed attack ~~occurs against a member state,~~ ~~until~~ pending the taking by the Security Council ~~has taken~~-of the measures necessary to maintain or restore international peace and security. Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council...."

Mr. Robertson said he had prepared this text simply as a suggestion with the thought that it possibly improved the drafting of the paragraph. He had assumed that, in view of the general language of the Charter, the omission of "or restore" had been unintentional. Mr. Golunsky said to include it would hold up the Conference at least a week. Messrs. Golunsky, Liang and Jebb expressed themselves as opposed to the draft, in view of the history of the article in Committee III/4.

> The Committee accepted the following changes: "shall impair" for "impair"; "member of the Organization" for "member state"; and the insertion of "by members" after "Measures taken".

The location of this article had been discussed in the Committee of Jurists, which had suggested placing it at the end of Chapter VII. Mr. Golunsky said the Committee of Jurists had thought that the Article should not be placed after Chapter VIII, as a separate section as Committee III/4 had proposed, because it might have the effect there of limiting the right of self-defense only to regional arrangements, thus depriving a state which was not a party to such arrangements of that right. Such a conclusion was clearly not to be permitted. The other reason for placing the article in Chapter VII was its connection with and dependence upon the powers given to the Security Council in that Chapter. It might seem that the article deals with the obvious, but when the Security Council is given power to act in such and such a way, then the provisions of this article can be understood.

Mr. Liang agreed, and said he had previously argued that this article amounts to an exception to the enforcement arrangements decided upon by the Security Council. The article had grown out of the discussions of the Committee on Regional Arrangements (III/4), which did not pronounce on the merits of its placement, but adopted it as a jurisdictional matter in order to report it as part of the Committee's decisions. He understood that Committee III/4 would not insist on that placement of the article. Mr. Jebb inclined to the same view, though he had first believed the article was calculated only to reassure parties to regional arrangements, when they gave responsibility to the Security Council, that they could still rely on self-defense. Mr. Fouques-Duparc suggested that the Article should form a separate Chapter, but the two preceding speakers demurred.

The Chairman, in dealing with the logic of placing the article at the end of Chapter VII, reviewed the enforcement system of Chapter VII. In this article the statement was made that beyond this system there is a residual and inherent right of self-defense, which can be applied by nations individually or collectively. Having said that it can be applied collectively in Chapter VII, Chapter VIII makes provision for the actual application of that right. The logic of the system would place this article as the transitional point from action by the Council and by individual states to action by means of regional arrangements. If the article were placed after these arrangements, the whole issue would be confused. The problem of a name for a separate chapter containing only this Article would also present difficulties.

Mr. Bailey proposed putting the Article in Chapter II, if not as a separate chapter between Chapters VII and VIII. Mr. Golunsky said the only reason for this Article was that it was an exception to the general rule provided in Chapter VII, and his view was that it should go at the end of that Chapter as the only place where it could be correctly understood.

Mr. Bailey, who had suggested that it might be put in Chapter II, withdrew that idea when Mr. Golunsky called attention to the necessity of rewording the whole paragraph if that were done. Mr. Bailey agreed to placing the Article at the end of Chapter VII.

Mr. Fouques-Duparc held that the article belonged with Chapter VIII, where it was a particular exception to the action of the Council in connection with the system of regional arrangements. The Chairman, Mr. Golunsky and Mr. Liang insisted that it was a general exception to the Council machinery and belonged where the powers of the Security Council were stated, in Chapter VII. Mr. Jebb, who had previously shared the view of Mr. Fouques-Duparc, said that the desire to emphasize a general right of individual or collective self-defense would be better realized at the end of Chapter VII rather with Chapter VIII, where it would only have a bearing on the regional system. Mr. Fouques-Duparc acquiesced.

The Committee assigned the paragraph as Article 55 in Chapter VII.

No subheading was given to the Article.

The meeting adjourned at 1:20 p.m.

## Annex A

### Formules Proposed for the Preamble

A. Committee I/1, revised by Advisory Committee of Jurists, June 16 and 19, 1945

We, the Peoples of the United Nations,

determined to save succeeding generations...

Through our representatives assembled at San Francisco agree to the present Charter of the United Nations."

B. Report of the Advisory Committee of Jurists, June 19, 1945 (excerpt)

We, the Peoples of the United Nations,

determined to save succeeding generations...

Through the representatives designated by our respective Governments and furnished with full powers found to be in good and due form, agree in conference at San Francisco to the present Charter of the United Nations.

C. Alternative Text of Preamble Presented by Joint Subcommittee of the Coordination Committee and the Committee of Jurists, June 18, 1945

We, the Peoples of the United Nations,
determined to save succeeding generations...
have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective governments, through representatives assembled in San Francisco, who have exhibited their full powers found to be in good and due form have agreed to the present Charter of the United Nations.

D. Text proposed by M. Fouques-Duparc (in translation):
On behalf of the Peoples of the United Nations,
Determined: (to reaffirm, to insure, to promote, etc.)
The Governments of the United Nations represented at San Francisco by plenipotentiaries furnished with full powers found to be in good and due form.
Agree to the present Charter.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 436 (ENGLISH)
CO/200
September 7, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THE THIRTY-SIXTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 20, 1945, 3:30 p.m.

The following members were present:

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| Australia | — K. H. Bailey |
| Brazil | — Cyro de Freitas Valle |
| Canada | — N. A. Robertson;<br>Escott Reid |
| Chile | — Félix Nieto del Río |
| China | — Dr. Victor Hoo |
| Czechoslovakia | — Jan Papánek |
| France | — Jacques Fouques-Duparc |
| Iran | — Ali Akbar Siassi |
| Mexico | — Rafael de la Colina |
| Netherlands | — Adrian Pelt |
| U.S.S.R. | — S. A. Golunsky |
| United Kingdom | — H. M. G. Jebb |
| United States | — Leo Pasvolsky |
| Yugoslavia | — Stojan Gavrilovic |

The Secretary, Mr. Darlington, noted the pressure of the Committee's work and asked if the members would be willing to let the Advisory Committee of Jurists read the Draft Statute of the Court, which was available in galley proof from Doc. 913; IV/1/74 (1).

The Committee agreed to pass the Statute to the Jurists for editorial review with the suggestion that the Jurists list the phrases which should be brought into conformity with the phraseology of the Charter.

## CHAPTER VI

The Secretary, Mr. Darlington, presented for the Committee's consideration two drafts of Chapter VI—Alternative A (Doc. WD 408; CO/152 (1)) and Alternative B (Doc. 409; CO/152(2)). He pointed out that Alternative B embodied all changes in Alternative A and additional changes as a result of rearrangement. In B the first phrase of Article 41 is omitted. He then read the report from the Jurists' Committee on these two drafts:

"The Committee of Jurists has examined your drafts A and B of Chapter VI, respectively.

"Alternative A

"The Committee of Jurists sees no objection to Alternative A, subject to the following considerations:

"Article 41 omits reference to Article 2, paragraph 3, and provides only for recommendations for 'peaceful settlement'. Article 2, paragraph 3, however, states that disputes should be settled not only by peaceful means but in such a way that 'international peace and security, and justice, are not endangered'. By omitting the reference to Article 2, paragraph 3, the door is opened to possible peaceful settlements which do not conform to justice. Many delegations have been insistent that settlements should be just as well as peaceful. The Committee of Jurists suggests that not only should reference be made to Article 2, paragraph 3, but reference should also be made to Article 1, paragraph 1. They therefore suggest it should be changed to read as follows:

"Without prejudice to the provisions of Articles 36-40 of this Chapter, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a peaceful settlement of the dispute in accordance with the principles laid down in Article 1, paragraph 1, and Article 2, paragraph 3".

"The committees also desires to call attention to two or three other points.

"In Article 36, paragraph 2, the word 'dispute' has been changed to 'disputes'. The Committee has no objection to this if such is the desire of the Coordination Committee, but it calls attention to the fact that the first paragraph of Article 36 speaks of 'any dispute' and it is suggested the singular might be more in keeping with paragraph 1.

"The Committee of Jurists had previously suggested that Articles 37 and 38 should be combined in one article with three numbered paragraphs. This suggestion was made for the reason that the two articles relate to the same subject. The Committee considers it very desirable that these two Articles should be combined into one.

"In Article 39 the word 'should' is used in the second line of Paragraph 2, and the word 'shall' is used in the third line of paragraph 3. Consistency would seem to suggest the same word be used in both paragraphs.

"Alternative B.

"The Committee of Jurists regrets that it can not assent to Alternative B.

"Article 36, in referring to disputes, omits an important descriptive statement: 'the continuance of which is likely to endanger the maintenance of international peace and security'. This constitutes a profound modification of substance. The addition at the end of the Article, moreover, does not seem to make any contribution to it.

"The objection stated regarding failure to combine Articles 37 and 38 in draft A are equally applicable here.

"Article 41 omits the phrase appearing at the beginning of the original text of that Article: 'without prejudice to the provisions of Articles 36 to 40 of this Chapter'. The Committee of Jurists finds no justification for this omission. Articles 36 to 40 deal with the powers of the Security Council in relation to disputes which may endanger peace and security. Article 41 enables the Council, if the parties so request, to make recommendations with regard to any dispute. The object of the words 'without prejudice to the provisions of Articles 36 to 40' is to make it plain that the powers of the Council in dealing with disputes which may affect the peace are not affected by Article 41."

Consideration of Alternatives A and B

Discussion of the differences in treatment of the material in Alternatives A and B developed comparisons of the meaning of the articles under revision and further consideration of the order of articles in the Chapter. These debates, which were interspersed through the discussion of particular article , are here brought together.

Messrs. Golunsky and Jebb advocated sticking to Alternative A.

The Chairman asked whether any one felt that the Committee ought to attempt to get Alternative B adopted, despite the report of the Advisory Committee of Jurists. Mr. Reid said that as a layman he had found this Chapter rather hard to understand and regarded it as the most obscurely drafted chapter of Dumbarton Oaks because it was difficult to comprehend the various procedures which the Security Council was to follow. Mr. Bailey disagreed with the Advisory Committee of Jurists with great diffidence, but was unable to see that reading into this Chapter of the language of Chapter II was a profound change of substance. Alternative B in his view was only an important difference of arrangement which made an enormous improvement.

Messrs. Reid, Bailey and Pelt advocated sending both drafts to Committee III/2 or Commission III for consideration, but it was brought out that the time table of the Conference would not permit formal reference. Mr. Goodrich, Secretary of Committee III/2, offered to ask the Chairman of that Committee for an opinion on the question of substance in the proposed change.

Mr. Golunsky was asked to get from the Advisory Committee of Jurists a ruling on whether the change in language in Article 36, Alternative B, was one of substance. The Chairman said that it was extremely important that the procedural side of this Chapter should be clear, since the public would expect to understand the progression of steps and responsibilities resting upon the Council.

Subsequently Mr. Golunsky reported that the Jurists held that the addition of "so that the maintenance of international peace and security will not be endangered" in Alternative B constituted a substantial change. The general form in which this obligation stood in Chapter I, Article 2, paragraph 3, was not connected with the specific procedures of Chapter VI, whereas article 36 was in direct relation to all the other Articles of Chapter VI. This did not, Mr. Golunsky added, mean that other disputes do not have to be considered "first of all", but that they do not necessarily entail all the procedures provided for in Article 36.

The Chairman asked Mr. Golunsky whether it was his judgment that Article 36 should remain as in Alternative A without further attempt to get it changed. Mr. Golunsky thought so.

The Committee discarded Alternative B.

## CHAPTER VI. ALTERNATIVE A

### Article 36

Mr. Golunsky thought that the arrangement and scope of obligations of Article 36, paragraph 1, were substantially changed in Alternative B since it was there made to deal with disputes likely to endanger international peace and security. Mr. Jebb noted that they were just one class of disputes, and Messrs. Bailey and Golunsky observed that all parties to the Charter were obligated, by Article 2, paragraph 3, to settle their disputes in such a manner that international peace and security, and justice, are not endangered.

Mr. Bailey argued that the enumeration of methods in Article 36 did not limit the parties to those methods. If the change made a limitation it would be substantial, but it did not tie the parties to any particular "peaceful means".

The Chairman asked Mr. Golunsky to take up paragraph 1 with the Advisory Committee of Jurists. Subsequently Mr. Golunsky reported as set forth above on Article 36.

The Committee reverted to the former draft of Article 36, paragraph 1.

Discussion of whether to change the position of Article 36, paragraph 2, to Article 38X without changing its content as in Alternative B ensued. Mr. Jebb thought that the position of the sentence was not important. Mr. Goodrich, Secretary of Committee III/2, suggested that in the position of Article 38X the sentence would better carry out the intent of the Committee if "by peaceful means of their own choice" were to read "in accordance with the obligations they have assumed under Article 36". Mr. Golunsky was deputed to ask the Advisory Committee of Jurists whether making Article 36, paragraph 2, a separate Article 38X would constitute a change of substance.

Subsequently, Mr. Golunsky reported that the Advisory Committee of Jurists said that the legal effect of the sentence was not altered whether it stood as Article 36, paragraph 2, or was placed as Article 38X. But, if the Committee transferred it to another place and made it a separate article, it would be obliged to change the wording and that might entail the necessity of an explanation to Commission III and Committee III/2, though it did not constitute any substantial change. Mr. Golunsky, in reply to the Chairman's query, expressed the judgment that the sentence should remain as Article 36, paragraph 2, without change of wording.

The Committee decided to leave Article 36, paragraph 2, without change.

At the close of the meeting the Chairman read the following note from the Chairman of Committee III/2, Mr. Serrato:

"In my opinion Article 36 and 38X of alternative B involve a substantial change in the meaning of the text submitted by Committee III/2, and would require approval by that Committee. Article 36 of alternative A involves no change that, in my opinion, requires special Committee approval."

Articles 37 and 38

Mr. Golunsky was asked to explain to the Advisory Committee of Jurists why the Committee had not combined Articles 37 and 38 on receiving the first recommendation to that effect. On his return Mr. Golunsky reported that the Advisory Committee of Jurists, including Sir William Malkin who felt most strongly that the articles should be combined, agreed to keeping them as separate articles, but the Jurists wished to reverse their order. This would make it necessary to transfer the description of the nature of the dispute to paragraph 1 of Article 38 and refer to it in Article 37 when they were reversed. The reason for this advice was that the matter had already been brought before the Security Council in some way or other and it would be logical to say first how a matt r is brought before the Council and then explain what the Council is supposed to do with it. (Article 37).

Mr. Golunsky was personally in favor of this change if it could be made without a new discussion with Committee III/2. The Chairman thought no change or substance was involved and said the change divided the Chapter into two parts. Article 36 was a restatement of an obligation in vague and therefore unsatisfactory terms. The operations of the Security Council then began with the bringing of a dispute or situation to its attention; it investigates and does the other things. There was more logic in that arrangement.

Mr. Bailey, on the other hand, stated that he favored the order of Articles 37 and 38 as they stood, because this logic rested on the assumption that, first of all, the Security Council was given power to investigate on its own motion; in other words, the Security Council was an active investigating agency and its power to act was substantive. This comprised one of the Security Council's sources of strength and corresponded to the logic of the document. Both nonmembers and the Secretary-General could bring matters to it for investigation. The inversion of Articles 37 and 38 would carry the implication that the Security Council was not expected or permitted to investigate disputes unless somebody brought the dispute before it.

Mr. Jebb mentioned that Article 39 permitted the Security Council to recommend appropriate procedures or methods of adjustment at any stage of a dispute. Mr. Bailey replied that you could spell it out yourself in the present order, but it had to be spelled out for you if you reversed the articles. Beginning with the Council's power to investigate seemed to him a strong feature.

The Chairman thought giving power to investigate and then providing a method was logical. He said he was convinced by the argument, and thought that further discussion would only bring them to the old order since the logic was upset by having Article 36 where it is.

The Committee retained the order of Articles 37 and 38.

### Article 39

The Committee corrected paragraph 3 by changing "shall" to "should" in line 3.

### Article 41

The Committee began discussion of this article while it was pondering both Alternatives A and B. In its comment on Alternative A the Advisory Committee of Jurists submitted a draft replacing the clause applying the principle of Article 2, paragraph 3, to the scope of settlement of a dispute and adding the principle of Article 1, paragraph 1, in the same sense for the stated reason that otherwise the door was opened to possible settlements "which do not conform to justice". Under Alternative B the Jurists stated that the retention of the initial phrase "without prejudice to the provisions of Articles 36 to

40" made it plain that the powers of the Security Council in dealing with disputes which may affect the peace of the world are not affected by Article 41.

Mr. Golunsky was deputed to discuss these two points with the Advisory Committee of Jurists.

After his consultation Mr. Golunsky reported that the Advisory Committee of Jurists agreed to the elimination of the reference to the principles in Article 41. The Chairman mentioned that the sense was not changed since the Security Council must act in accordance with the purposes and principles (Chapter V, Article 24, paragraph 2) under Chapter VI.

The Committee confirmed its previous decision to eliminate reference to Article 2, paragraph 3.

Mr. Golunsky reported that the Advisory Committee of Jurists objected to the elimination of the "without prejudice" clause and strongly favored its retention. They thought that the Article might prejudice the operation of the previous Articles if the clause were eliminated because the Security Council, so far as concerns disputes likely to endanger international peace and security, has no obligation to await a request from the parties and has full power to act on its own initiative at any moment. If the clause were omitted it might be understood that on some occasions the Security Council had to wait for a request before taking its action. While a close juridical analysis would necessarily lead to the conclusion that the Security Council had full power to act on its own initiative at any time, that was not clear on first reading and the clause made it clear for everybody.

The Committee retained the initial clause without further discussion.

## CHAPTER XIV

The Committee had before it Doc. WD 406; CO/168.

The Committee agreed to amend the chapter heading by inserting "Security" between "Transitional" and "Arrangements".

### Article 79

The Committee had no observations on Article 79. The Moscow Declaration being a "four-nation" declaration the word "states" was deemed superfluous.

*The Committee agreed to delete, line 8, "states".*

## Article 80

The Committee's scrutiny of Article 80 revealed that several important ideas in the Article were not quite clear.

Mr. Bailey asked if "should preclude" was a deliberate choice of words, for it seemed to leave the idea open.

*The Committee changed "should" to "shall".*

*The Committee read "the present Charter".*

Further discussion revolved in large part around ambiguities in the text deemed to result from the absence of an accepted definition of "enemy states", which was expected from the Advisory Committee of Jurists. The Secretary of Committee III/3, Mr. Fox, stated that the Article was in the exact form of the Dumbarton Oaks Proposal (Chapter XII, section 2). That Committee had found it lacked precision but no alternative texts were available for reconsideration. The appropriateness of the phrase "present war" was questioned. "Action taken" was interpreted by Committee III/3 to refer to action by governments upon which responsibility was conferred by treaties, and "action authorized" might be action taken by a state which was not a party to a peace treaty but might have responsibility entrusted to it. No particular request was made to the Coordination Committee with respect to the Article.

The grammatical tense and mood of "preclude action taken or authorized" was discussed. "To be taken or to be authorized", "which has been taken or which shall be taken" and "taken or to be taken" were suggested. Mr. Bailey remarked that you can not preclude past action, but can only invalidate it. Mr. Jebb suggested "invalidate or preclude action already taken or to be taken or any action which may be authorized", and Mr. Fox believed that expressed the understanding of Committee III/3.

Mr. Fox said that in his Committee's view "with respect to" was too narrow a substitute for "in relation to". The Chairman suggested adding a clause qualifying action as "authorized by the governments having responsibility for such action". The qualifying phrase "as a result of the present war" was suggested by Mr. Fox. On Mr. Bailey's presentation "taken or authorized" was deemed sufficient in connection with "invalidate or preclude". As a detail of standardization "nothing in the present Charter" was accepted.

The Committee approved the following text for Article 80:

"Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action."

The Committee referred the terms "enemy states" and "present war" to the Advisory Committee of Jurists.

Toward the close of the meeting the Advisory Committee of Jurists reported the following text in conjunction with a corresponding proposal for revision of Chapter VIII, Article 56:

"No provision of the present Charter shall invalidate or preclude action taken or authorized as a result of the second World War, in relation to any of the states referred to in Article 56, by the Governments having responsibility for such action."

On comparing this with the Committee's text, the reference to Article 56 met with approval, but Mr. Robertson thought that the arbitrary use of "government" for the Allies and "states" for enemy countries was a very frail distinction. In a discussion of the order of clauses within the sentence Messrs. Bailey, Jebb, Golunsky, Liang, Robertson and the Chairman contributed to an acceptable phraseology.

The Committee agreed to the following text of Article 80:

"Nothing in the present Charter shall invalidate or preclude action in relation to any state which during the second World War has been an enemy of any signatory of the present Charter, taken or authorized as a result of that war by the governments having responsibility for such action."

## CHAPTER II

### Article 3

The Committee confirmed the text of Article 3 adopted at its 32d meeting.
"United Nations Conference on International Organization" was written in.

### Article 4

The Committee had before it Doc. WD 402; CO/164.

The reading "any such state" was confirmed.

### Articles 5 and 6

The Committee also had before it Doc. WD 418; CO/34 (2).

The Chairman stated that it now seemed to be possible to write a paragraph on expulsion. Committee II/2 had agreed with Committee I/2 upon the wording with regard to the procedure, which was the method of the Dumbarton Oaks proposal.

Article 5 in WD 402; CO/164, dealing with suspension came from Committee I/2 and had in the present form been recast by the Coordination Committee. The Dumbarton Oaks Proposal had been one paragraph (Chapter V, Section B, paragraph 3) and dealt with both suspension and expulsion. It was now before the Committee in WD 418; CO/34 (2) as two paragraphs from Committee II/2 and dealt with suspension and expulsion. These paragraphs read:

"The General Assembly ~~should~~, upon recommendation of the Security Council, ~~be empowered to~~ may at any time suspend from the exercise of ~~any~~ the rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of ~~the~~ these rights and privileges ~~thus suspended~~ may be restored, by decision of the Security Council.

"The General Assembly ~~should be empowered~~, upon recommendation of the Security Council, ~~to~~ may expel from the Organization any member ~~of the Organization~~ which persistently violates the principles contained in the Charter."

These two paragraphs were discussed together, the one on suspension having previously been recast but not approved by the Coordination Committee. Three forms figured in the discussion: The early draft of Committee I/2 began "The Organization may"; the Coordination Committee form began "a member of the Organization... may be"; and the latest draft from Committee II/2 began "the General Assembly... may". Consideration of these forms led to the conclusion, on Mr. Jebb's suggestion, that the member should be the subject of the provisions because this was a Chapter on membership.

The Committee decided to make "a member" the subject of the sentence in both paragraphs. The Committee decided to put suspension in Article 5 and expulsion in Article 6.

The Chairman noted that Committee II/2, in distinguishing the conditions calling for expulsion, had removed a joker from Article 5, which formerly provided for the suspension of a member which "violated the principles of the Charter in a grave or persistent fashion" but permitted its restoration by the Security Council alone. Now such violation was the condition for expulsion and was determined upon recommendation by the Security Council, with restoration through the readmission process.

Mr. Jebb observed that "persistently violates" was Dumbarton Oaks language and therefore correct. This strong term was interpreted to mean repeatedly, willfully and intentionally.

"Upon the recommendation" was adopted as a standard phrase.

The Committee approved Articles 5 and 6 in the following form:

## Article 5

"A member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

## Article 6

"A member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."

Mr. Fouques-Duparc raised the question of order of the two Articles in which he thought the lesser penalty attached to the graver offense. Aggression, which violated the principles of the Charter, would be very serious but called only for suspension. A hierarchy ofvalues was required. He thought the difficulty might be met by putting both provisions in one article and leaving it to the discretion of the General Assembly and Security Council to decide when either suspension or expulsion should be applied.

The Chairman pointed that if a member behaved after incurring a period of suspension nothing more happened, but if it persisted it might be expelled. Mr. Golunsky, in reply to a question by Mr. Pelt, said that the discretion of the Security Council need not wait for a second aggression because the persistency required for expulsion could be manifested in a single war by a variety of actions disregarding the requirements which the Security Council called for. Mr. Fouques-Duparc thought the language of Article 6 should be strengthened, but the Committee felt that it could not do that and had no time to refer a new formula to the Technical Committee. Mr. Fouques-Duparc was promised the opportunity to reconsider the order of the Articles at the next reading.

## CHAPTER XV

The Chapter was reviewed by the Committee from Doc. 382; CO/157 and the changes made during the 31st meeting were read and confirmed. Those changes and the revisions of language made during the review appear in Doc. 1136; CO/157 (1) and Doc. 1127; CO/178 which are included in Doc. 1140, CO/179. The Committee worked from typed copies.

> The Committee agreed to make a Chapter XV, Amendments, of Articles 81 and 81X and a Chapter XVI, Ratification and Signature, of Articles 82 and 83.

### Article 81X

Mr. Golunsky asked whether the concurrence of the vote in paragraph 1 referred to the concurrence of the General Assembly and Security Council or to a concurrence of the Security Council with the vote of the General Assembly. After a colloquy between him, Mr. Jebb and Mr. Liang the entire phrase and its cross reference were dropped.

> The Committee agreed to a reading in paragraph 1: "and by a vote of any seven members of the Security Council".

Mr. Liang commented that a meeting was a single convocation and that a session was composed of meetings.

> The Committee deleted "meeting" and inserted "session" in paragraph 3.

# CHAPTER XVI

## Article 82

Mr. Jebb brought the term "protocol of such deposit" under discussion. Mr. Robertson suggested "certificate", Mr. Bailey thought this meaning of "protocol" was not commonly known, while Mr. Golunsky said the Jurists liked it very much. To Mr. de Freitas Valle's query, Mr. Golunsky said the instrument would require the receipt of 28 ratifications, 23 plus 5. He explained that the occasion of executing the protocol was intended to be a formal ceremony. Mr. Bailey subsequently suggested: "A protocol of ratifications deposited shall thereupon be drawn up by the Government of the United States which shall communicate copies thereof to all the signatory states". Mr. Golunsky explained that the Advisory Committee of Jurists contemplated that, on the occasion of the 28th deposit of ratification, a formal ceremony would be held and an instrument drawn up recording all ratifications then deposited, and that this protocol would establish the entry into force of the Charter.

The Committee decided to consult the Jurists later on the matter.

In paragraph 4 Mr. Jebb suggested reading "which ratify it subsequently". Mr. Liang asked if such states were to become original members and noted that as signatories they would come under the definition of Article 3. Mr. Robertson proposed "ratify it after it has come into force". After discussion the word "deposit" was left in the singular number.

The Committee deleted "subsequently" and inserted "after it has come into force".

## Article 83

A new text, received from the Advisory Committee of Jurists, read:

"The present Charter of which the English, French, Chinese, Russian and Spanish texts are equally authentic, shall remain deposited in the Archives of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states."

The changes noted in this draft were that the two working languages of the Conference were listed first and that the deposit was in the "archives of the United States".

The Chairman observed that a suggestion had been made that a provision should be added for the ultimate transfer of the instrument to the archives of the Organization itself. The Article came from the Jurists, and the Committee could make this addition. Discussion brought out that this was a different proposition from the deposit of the Archives of the Conference with the Executive Secretary of the Preparatory Commission as contemplated in the interim arrangements.

The Committee accepted the text of the Advisory Committee of Jurists.

## CHAPTER VIII

### Article 56

This Article, with Chapter XIV, Article 80, had been referred to the Advisory Committee of Jurists for an opinion on the phrases "enemy states" and "present war". The Secretary, Mr. Darlington, circulated the following text, as corrected, submitted by the Advisory Committee of Jurists:

> "The Security Council shall, where appropriate, utilize such arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against a state, which during the Second World War has been an enemy of any signatory to the present Charter, provided for pursuant to Article 80, or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state."

Mr. Jebb suggested saying "measures against a state which was an enemy of any signatory." Mr. Fouques-Duparc commented that the Charter would be signed before the Second World War was concluded, and that was taken into account by reverting to "which has been". Mr. Liang's suggestion to modify "measures" by a clause "with the exception of measures provided for in Article 80 against a state which was an enemy" was ruled to be a change of meaning.

The discussion of how to express the clause was interrupted by consideration of the expression of the same thought in Article 80. After the Committee reached its decision concerning the text of Article 80 it came back to Article 56, and embodied the terms of Article 80 defining "enemy state" into a separate paragraph. The language of the decision was subsequently adjusted by the Secretariat to conform to this arrangement.

The Committee, subject to reconsideration, accepted the following text of Article 56:

"1. The Security Council shall, where appropriate, utilize such arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as described below, provided for pursuant to Article 80, or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

"2. The term "enemy state" as used in paragraph 1 of this Article applied to any state which during the second world war has been an enemy of any signatory of the present Charter."

The Committee adjourned at 7:10 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 437 (ENGLISH)
CO/201
September 11, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTY-SEVENTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 20, 1945, 9:15 p.m.

The following members were present:

**Australia** — K. H. Bailey
**Brazil** — Cyro de Freitas Valle
**Canada** — N. A. Robertson
**Chile** — Félix Nieto del Río
**China** — Victor Hoo
**Czechoslovakia** — Jan Papánek
**France** — Charles Chaumont
**Iran** — Ali Akbar Siassi
**Mexico** — Rafael de la Colina
**Netherlands** — Adrian Pelt
**Union of Soviet Socialist Republics** — S. A. Golunsky
**United Kingdom** — H. M. G. Jebb
**United States** — Leo Pasvolsky
**Yugoslavia** — Stojan Gavrilovic

Also present was:

**New Zealand** — Peter Fraser, Chairman, Committee II/4

The Chairman, Mr. Pasvolsky, opened the meeting at 9:15 p.m.

### CHAPTERS XII, XII (A), XII (B)

The Committee had before it Docs. WD 411;CO/171, WD 412; CO/172 and WD 413;CO/173, which divided into chapters the texts adopted by Committee II/4 on Trusteeship as Section A, paragraphs 1-2, and Section B, paragraphs 1-15, reported as Docs. WD 414; CO/174, and WD 374;CO/1[illegible] and WD 393;CO/154 (1) respectively. The texts were considered by the Coordination

Committee as set up by the Secretariat in three Chapters broken up into Articles as follows:

Chapter XII, Declaration concerning non-Self-Governing Territories, Articles 73-74 (WD 411;CO/171);

Chapter XII (A), International Trusteeship System, Articles 75-84 (WD 412;CO/172);

Chapter XII (B), The Trusteeship Council, Articles 85-90 (WD 413;CO/173).

The Committee gave the Chapters a critical first reading in which certain language questions were noted. These points were gone over with Prime Minister Fraser of New Zealand, Chairman of Committee II/4, who joined the meeting after the evening meeting of Commission II had approved the work of Committee II/4. Messrs. Van der Plas (Netherlands), Poynton (United Kingdom) and Gerig (United States), in addition to the Secretary of Committee II/4, Mr. Chase, were in attendance.

The two examinations of the text are here reported together.

## CHAPTER XII

The placement of the "declaration concerning non-self-governing territories", which was Section A of the text of Committee II/4 and was assigned as Chapter XII, was reviewed with Mr. Fraser. The Chairman said that a "declaration" in the middle of the Charter as a separate chapter bothered him, but he saw no objection to a "declaration" being a section in a chapter. He suggested combining it with Chapter XII(A), on the trusteeship system and calling it "provisions with respect to non-self-governing territories". Mr. Fraser thought the question was one of drafting, but Committee II/4 in dividing its text into Sections A and B laid stress upon the line of demarcation between the voluntary nature of Section A (Chapter XII) and the contractual nature of the trusteeship system. The difference was distinctive and wide. The Committee decided not to try to combine its two Chapters, and reconsidered the title of Chapter XII.

The Committee tentatively entitled Chapter XII "Policy regarding non-Self-Governing Territories".

### Article 73

The Article was accepted as a unilateral declaration of member states, each for itself, which stated the principles they recognized in carrying responsibilities which they had or might have. It was pointed out by Mr. Van der Plas that the Declaration applied to all non-self-governing territories, to those of colonial status on a voluntary basis and to those of the trust status, among the obligations assumed for them, on a contractual basis.

The Committee called Mr. Fraser's attention to the phrase "which have responsibilities", which it believed applied to future acquisition of responsibility. On Mr. Bailey's suggestion "have or assume" was considered.

The word "yet" was held to apply to any degree of self-government short of a "full measure", up to which the responsibility of the member exists. Mr. Fraser said it held out anticipation and hope to developing peoples.

Mr. Fraser accepted as better drafting a recasting of the last part of the main paragraph in order to bring out the limitation of the obligation assumed by the Charter.

The Committee amended the first clause to "which have or assume responsibilities".

The Committee revised the last clause to read: "obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories".

Mr. Robertson referred to the second controlling obligation of the main paragraph, that the members "accept as a sacred trust" the promotion of well-being by the stated ends, among which was transmission of information to the Secretary-General, in subparagraph e. He suggested saying "and to this end undertake: (a) to ensure; (b) to develop; (e) to transmit". Mr. Fraser was thoroughly of that mind, but dared not agree because "undertake" was vigorously opposed in Committee II/4. Mr. Poynton and Mr. Gerig said they had a slight preference for "agree". France opposed "undertake", whether because of a different connotation in French, Mr. Fraser did not know. It was pointed out that the "sacred trust" to submit reports was supplementary, but that it could not be made into a separate paragraph without a change of meaning.

The Committee inserted a comma after "treatment" in subparagraph a.

In the French text of subparagraph b "autonomie administrative" was changed to "autonomie".

It was noted by the Committee that subparagraph c, as reading out of the main paragraph, provided for furthering international peace and security within the system of international peace and security established by the Charter.

In subparagraph d the use of the term "specialized international bodies" was analyzed to mean something other than "specialized agencies" brought into relationship with the Organization. Mr. Fraser and Mr. Poynton confirmed this view and said bodies of whatever international kind which were specially qualified to investigate were contemplated.

> The Committee deleted "cooperate..., when and where appropriate, with specialized international bodies" and wrote "cooperate... with appropriate international bodies".

Article 74

> The Committee changed "States members also agree" to "members of the United Nations agree".

Mr. Poynton explained that the construction "in respect of such territories no less than in respect of their metropolitan areas" was intended to express the feeling that those colonial territories should not be treated or regarded in any way different from any conquered metropolitan area. Mr. Bailey questioned the use of "such" which referred to the territories under Chapter XIIA, the wrong group.

> The Committee changed "such territories" to "the territories to which this Chapter applies".

The Committee discussed the phrase "world community" with Messrs. Fraser, Gerig and Poynton and the Secretary of Committee II/4, Mr. Chase.

> The Committee replaced "other members of the world community" with "the rest of the world".

## CHAPTER XII A

Article 75

In the Committee's discussion of terms the opinion developed that in the phrase "international system of trusteeship" the adjective properly modified "trusteeship" and in this connection it was noted that elsewhere in the text simply "trusteeship system" should be used. Mr. Fouques-Duparc observed that search was being continued for a French word other than "tutelle" as the equivalent of "trusteeship".

The Committee adopted international "trusteeship system" as a standard phrase.

The deletion of the clause "and set up suitable machinery for these purposes" was suggested by the Chairman to be unnecessary since the next Chapter established that machinery. Mr. Fraser approved the Committee's view, saying that the clause was due to transitional phrasing. It was deemed clearer to make the "hereafter" clause a separate sentence. Mr. Fraser also approved this drafting.

The Committee recast Article 75 to read:

"The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereafter referred to as Trust Territories."

Article 76

The exact significance of the language in subparagraph b and possible changes of its order or breaking it up by subdivision were discussed. In view of the extensive negotiations from which the language originated, no changes were made.

In the French text of subparagraph b "administrative" was deleted after "autonomie" (self-government).

It was noted that the omission of "health" was due to its implied coverage in the word "social".

In subparagraph C the reading was amended to "and to encourage recognition".

The Chairman noted that here was the first use of "interdependence" in the Charter.

The final clause of subparagraph d was discussed and its references examined. The idea of attainment was shifted to that of objectives. After Mr. Fraser approved the redrafting the Committee decided it referred to subparagraph c, as well as to a and b.

The Committee adopted as the final clause of subparagraph d "without prejudice to the foregoing objectives and subject to the provisions of Article 80."

Article 77

The Committee changed "this war" to "Second World War".

The vagueness of the words "subsequent agreement as to which territories" was brought up by Mr. Bailey. The Chairman pointed out that no commitment was given whether the state concerned would come into agreement with the Organization or some other entity; this uncertainty made "agreements" inappropriate. The recasting of the sentence so as to make "territories" its subject was discussed and abandoned.

The phrase "as to" was deleted with Mr. Fraser's assent.

Article 78

The Committee interpreted the sentence to deal with territories after they had become members, and then was puzzled to determine whether "relationship among which" referred to the antecedent United Nations, members of the United Nations or territories.

The verb "should be based" was debated at length. Among the forms suggested were: since relationship... is; shall be; is; will be; should be; being based. Mr. Van der Plas favored "shall be based". Mr. Fraser regarded the Article as very important. Mr. Chase as its Secretary said Committee II/4 finally adopted "shall". Mr. Gerig said its Drafting Committee thought at the time "shall be". Mr. Golunsky could not say at the moment what was the thought of the Soviet Delegation, from which the proposal came. Mr. Fraser said whether it was stated as a fact or a precept seemed to matter little.

The Committee tentatively adopted "shall be based".

Article 79

The Committee read "a member of the United Nations" for "one of the United Nations".

The Committee substituted "Articles 82 and 84" for "paragraphs 8 and 10 below".

The term "alteration or amendment" recalled to the Chairman, the change of "alteration" to "modification" in Chapter XV, Article 81 X. Mr. Bailey said he did not find "modification" to be a good technical term, and Mr. Gerig cited Mr. Stassen against its use in a text and his preference for "alteration or amendment". It was agreed to retain "alteration".

### Article 80

The reference in paragraph 1 to "paragraphs 3, 4 and 6" was corrected to "Articles 77, 79, and 81".

The term "member states" was altered to "members".

The Committee in paragraph 2 deleted "pursuant to the provisions of Articles 77 and 78" and inserted "in accordance with the provisions of this Chapter".

The Committee discussed at some length the Clause "alter in any manner the rights whatsoever, of any states or any peoples". The Committee eliminated the comma. Messrs. Golunsky and Robertson insisted the text had been laboriously negotiated. The Chairman proposed to read "in any manner whatsoever", but Mr. Robertson was confirmed by Mr. Gerig in saying that the intention of Committee II/4 was "to freeze the present position, bona fide rights, doubtful rights, rights that are pure figments" after the Charter just as they were before it. No change was made.

Mr. Jebb commented on the rendering of "in or of itself" by "directement ou indirectement" in the French.

### Article 81

Mr. Robertson suggested beginning with "each trusteeship agreement shall include" instead of using the phrase "in each case". There was debate on the meaning of "each case", whether it signified a single agreement for each territory so as to cover several cases or a multilateral agreement. On Mr. Golunsky's suggestion that "in each case" really meant "for each territory", the Committee accepted the phrase but changed its position.

The Committee adopted the order "shall in each case include".

The term "trust territory" was standardized in the Article.

A "state" or "member" as an administering authority was considered. Mr. Gerig said that Committee II/4 in its report to Commission II (Doc. 1115; II/4/44 (1) (a)) explained that cessation of membership did not prevent exercise of the position of administering authority. The Committee concluded that "state" was used in the technical sense it had adopted.

In paragraph 2 the Committee read "any special agreement or agreements".
In paragraph 2 the word "also" was deleted.

### Article 81X

The Committee decided to make Article 80, paragraph 2, a separate Article 81X.

### Article 82

In discussing paragraph 2 Mr. Jebb pointed out that the basic objectives were set forth and not provided for in Article 76 and questioned how subparagraphs a and d could all be applicable to the people. Mr. Bailey suggested they were applicable to the administration of an area, and the Chairman proposed "shall apply in each strategic area". Mr. Gerig called attention to the fact that "apply" is broader than "applicable". With Mr. Fraser these points were gone over in detail, including a reading of Article 76. Mr. Fraser emphasized that Committee II/4 wishes to ensure application of the objectives, so far as they could be applied, to the people of the strategic areas. Mr. Poynton said the application in a strategic area of Article 76, subparagraph d, was a matter of policy, not of drafting. Mr. Fraser agreed to the Committee's revision with the understanding that members of the Committee would consult in their Delegations those members who were concerned with the question in Committee II/4.

The Committee decided to consult the Delegations on the proposed change "applicable in each strategic area".

In paragraph 3 the Committee struck out the reference "provided for in paragraph 11 below".

### Article 83

The Committee corrected the spelling of "insure" to "ensure".

The Committee deleted "shall be empowered to" and inserted "may".

The structure of the second sentence was discussed at some length. The phrase "obligations undertaken by the administering authority for the Security Council in this regard" was examined. Mr. Robertson suggested that the authority acted as an agent and the Chairman added that the obligations were undertaken "on behalf of the Security Council". Mr. Poynton said the clause was to enable the authority to use the resources of the trusteeships in contributing to the general obligations. This interpretation suggested that the obligations were with respect to the Security Council or the Organization. Defining the obligations as carrying out the special agreements for provision of forces, etc. was deemed inaccurate. Mr. Golunsky made an acceptable suggestion, "obligations undertaken by the administering authority under Article 47". Mr. Fraser found that interpretation to be correct.

> The Committee revised the second sentence by deleting "for the Security Council in this regard and" and inserting "under Article 47 as well as".

## CHAPTER XII (B)

### Article 85

This Article was a recasting of the first sentence of paragraph 11 of Section B of the text adopted by Committee II/4. The revision was due to the fact that the establishment of the Trusteeship Council was now to be determined by Chapter III, Article 7, which creates the organs of the Organization.

Mr. Jebb found the present language (Doc. WD 413; CO/173) cumbersome and with the Chairman suggested transferring the paragraph to Chapter XII (A), treating the material as was done with a similar text in the Economic and Social Chapter IX, Article 63. This would bring closer together the relation of the General Assembly to the trusteeship system and leave Chapter XII (B) wholly devoted to the Trusteeship Council. Mr. Fraser said Committee II/4 had desired that the new idea which this Article represented should be emphasized by being set apart, but the Chairman pointed out that the new organization of the Charter into Chapters suggested the desirability of including this Article in XII (A). Mr. Bailey said that Mr. Fraser's point might be met by saying that there were functions not covered merely by the General Assembly. The Trusteeship Council could assist the Security Council, for example, and receive information about strategic matters. If the Article were placed as Article 84, paragraph 2, it would not be necessary to refer to the functions "not reserved to the Security Council", since the Assembly's functions are clearly stated in Article 84.

The Committee approved the elimination of Article 85, and the addition of the following paragraph 2 to Article 84:

"2. The Trusteeship Council, under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions."

Article 86

Mr. Golunsky raised a question about the eligibility for redesignation of the "specially qualified representatives", pointing out that the members of other bodies were states, but these were persons and experts. Mr. Bailey said this case was different, since it was hoped that experts would be chosen for the Council, and that they might be re-eligible.

The Chairman said that he thought the word "states" should be replaced by "members"; this was changed to "members of the United Nations" on the suggestion of Mr. Golunsky, who said that the word might otherwise mean members of the Trusteeship Council. The Chairman remarked to Mr. Fraser that the Committee was not using the term "states members".

Mr. Robertson suggested the addition in b of the word "permanent", but it was pointed out that there had been considerable debate in Committee II/4 on this point; the permanent members of the Security Council were not mentioned here, because they were not members of the Trusteeship Council by virtue of their membership in the Security Council, but because of their world-wide interests. Mr. Robertson suggested using a "such... as" construction.

In recasting c Mr. Fraser suggested "so that" instead of "in order to". It was brought out that only members of the United Nations would be eligible for election to the Trusteeship Council, which would be by a two-thirds vote of the General Assembly present and voting. The language of the clause was recast in the course of the discussion.

The Committee adopted the following Article 86:

"The Trusteeship Council shall consist of specially qualified representatives designated as follows: (a) one each by the members of the United Nations administering trust territories; (b) one each by such of the members mentioned by name in Article 23 as are not administering trust territories; and (c) one each by as many other members of the United Nations elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of representatives is equally divided between administering and non-administering members of the United Nations."

### Article 87

Mr. Golunsky noted that this text differed from that of Committee II/4 (Doc. WD 374, CO/154, June 18, 1945) in which the General Assembly, rather than the Trusteeship Council, possessed the functions in question and the latter carried out functions "under the authority of the Assembly". Mr. Fraser indicated that that was what Committee II/4 had intended; this was definitely a substantive change. The Acting Secretary, Mr. Green, stated that the change had been made in order to avoid an apparent duplication of Article 85. Mr. Fraser said the Committee had intended that the General Assembly as a superior organ should receive petitions or reports, for example, and should pass them on to the Trusteeship Council. Various suggestions were offered for retaining the intent of the draft of Committee II/4. The outcome of a discussion by Messrs. Fraser, Golunsky, Jebb, Liang and Poynton was phrased by the Chairman as follows: "The Trusteeship Council in carrying out its functions as authorized by the General Assembly may," etc.

> The Committee accepted Article 87, amended to commence as follows:
>
> "The Trusteeship Council, in carrying out its functions as authorized by the General Assembly, may:"

### Article 88

Mr. Jebb stated that "in" should not have been substituted for "for" in line 7. Mr. Gerig advised the Committee that Committee II/4 had very deliberately used "for" in this place.

> The Committee accepted Article 88 with the substitution of "for" for "in" in line 7.

Mr. Robertson mentioned that "territory which is not a strategic area" was more definite than "territory within the competence of the General Assembly."

### Article 88 (X)

This Article on voting just received from Committee I/1, was read by the Chairman.

> The Committee accepted without discussion the following text:
>
> "1. Each member of the Trusteeship Council shall have one vote.
>
> "2. Decisions of the Trusteeship Council shall be taken by a majority of those present and voting."

The Chairman said that a simple majority was here meant. Mr. Bailey suggested that paragraph 1 was not necessary, since on this Council states have only one representative each. The formula used for the Economic and Social Council was not applicable in this Article, in his opinion. The Chairman said while it was perhaps not needed, it might go in now for purposes of symmetry; it could be taken out later if desired.

### Article 89

The Article was made to conform, with Mr. Fraser's consent, to the similar article in Chapter IX (X).

> The Committee accepted paragraph 1, with the reading "procedure, including".
>
> The Committee in paragraph 2 read "with its rules, which shall".

### Article 90

Mr. Jebb stated that the words at the end of the Article following "agencies" should be stricken out; they were no longer needed as a result of the decision to define "specialized agencies" in Chapter IX. He also proposed a rearrangement of the sentence.

> The Committee accepted the following text of Article 90:
>
> "The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned."

(The Committee here returned to Chapter XII (Doc. 411, CO/171, June 20, 1945) and Chapter XII (A) (Doc. WD 412, CO/172, June 20, 1945) and conferred with Mr. Fraser on the textual changes previously discussed by the Coördination Committee.)

## CHAPTER IV

The Committee had before it Doc. WD 336; CO/133, changes made since June 16 being read into the record by the Secretary.

### Article 10

The Committee approved Article 10, reading "members of the United Nations" for "members of the Organization."

### Article 11

A new draft of Article 11 was received from Committee II/2 which had unanimously adopted the following language:

"The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided in the present Charter, and, except as provided in Article 12X, may make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters".

The Committee accepted Article 11 without discussion.

### Article 12

The Committee reviewed the arrangement given to this Article and Article 12X at the 26th meeting. The new text had been examined by the Advisory Committee of Jurists, and was read by the Secretary as follows:

"1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the members or to the Security Council or both.

"2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the United Nations, or by the Security Council, or by a non-member state in accordance with the provisions of paragraph 2 of Article 38, and, except as provided in Article 12X, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or both.

"3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

"4. The powers of the General Assembly set out in the preceding three paragraphs shall not limit the general scope of Article 11."

> The Committee confirmed use of the auxiliary "may" throughout the Article.
>
> The Committee approved standardizing changes by the Secretariat.
>
> In paragraph 2 the words "or members" were stricken from the phrase "by any member or members".

Mr. Bailey proposed that a reference to Article 38 be included in paragraph 2 since Article 38 gave members a specific right to bring a matter relating to a situation to the attention of the General Assembly, even though the situation did not actually involve peace and security. The Chairman suggested that the text covered everything under Article 38, and perhaps more. Mr. Golunsky felt that the existing wording covered the whole of Article 38; he added that the only object of bringing the question before the Council or Assembly was to point out that the situation might endanger peace and security. Mr. Bailey thought it difficult to interpret Article 38 in this way, since the General Assembly did not possess the power to investigate whether the situation threatens peace and security. The Chairman noted the reference in Article 38 to Article 37, and said that any dispute or situation under the former might be specifically brought before the General Assembly, which would act in accordance with Articles 12 and 12X. Mr. Bailey replied that according to Article 12, paragraph 2, the General Assembly could "discuss any questions relating to the maintenance of international peace and security", but the type of situation mentioned in Article 38, by reference to Article 37, was not defined in these same terms. Therefore, a limitation on the capacity of the General Assembly to consider situations under Article 38 might be derived from the more restrictive terms of Article 12, paragraph 2. Mr. Pasvolsky thought, on the other hand, that the reference to Article 38 as a whole might narrow the scope of Article 12 since the latter covered "any questions". Mr. Golunsky said that Article 38 related to peace and security, or else it did not; if it did, it was governed, so far as concerned the General Assembly, by Article 12. If it did not, and a question were brought under some other clause to the General Assembly, then Article 11 would be determinative. In any case such a question would be within the jurisdiction of the General Assembly. Mr. Robertson thought there was a logical conflict between Articles 12 and 38, even if Article 14 were taken into consideration, but that Article 38 would prevail if nothing else were said. The Chairman suggested that Mr. Bailey might look over the problem again, in the light of the whole Charter, if he felt it sufficiently important. Mr. Bailey said he would do so, and Mr. Golunsky suggested he might prepare a new draft embodying his point. No change was made.

> In paragraph 4 the Committee substituted "paragraphs 1, 2 and 3 of this Article" for "the preceding three paragraphs".

Article 12X

This Article, formerly Article 12, paragraph 2, was read by the Secretary in two paragraphs, with standardized changes, as decided at the 26th meeting of the Committee.

> The Committee agreed to delete "also" and to insert "similarly".

Article 13

This Article had been revised, subject to reconsideration, by the Committee at its 33d meeting. A typed copy of the draft was circulated.

> The Committee in paragraph 2 changed "set forth in paragraph b" to "mentioned in paragraph b".

Article 14

> The Committee inserted "nations" instead of its former choice "states".
>
> The words "Purposes and Principles" were capitalized.

Article 15 (see also Article 18, below)

This Article as printed in Doc. WD 336; CC/133 was eliminated at the 33d meeting. Paragraph 1 was taken over into

Chapters IX and IX (X) and paragraph 2 was transferred to Article 17.

Article 16 (see also Article 17X, below)

This Article was circulated as Doc. WD 398; CO/39 (2) in a final text adopted by Committee II/1 incorporating action of Committee II/4 relative to the Trusteeship Council. The text was read by the Secretary as follows:

"The General Assembly shall elect the non-permanent members of the Security Council and the members of the Economic and Social Council and the elective members of the Trusteeship Council. It shall elect the Secretary General of the Organization upon the recommendation of the Security Council. The General Assembly shall participate in the election of the judges of the International Court of Justice in accordance with the provisions of the Statute of the Court."

The Chairman noted that Committee I/2 on June 17 had voted that the Secretary-General was to be "appointed", whereas this text of Committee II/1 provided that he be "elected". To Mr. Golunsky's question of what difference there was between the words, Mr. de Freitas Valle said that in an election you can choose, but the General Assembly could only confirm or reject. "Appoint" was adopted.

Discussion at length resulted in acceptance of the clause on the Trusteeship Council in this form: "The members of the United Nations which are to designate representatives on the Trusteeship Council in accordance with Article 86(c)".

The provision with respect to election of judges recalled the elimination of a similar clause in the Chapter on the Security Council and Mr. Golunsky suggested suppressing it here or restoring it there. Mr. de Freitas Valle suggested leaving such provisions in the Statute of the Court, which was a part of the Charter.

Mr. Liang supported that suggestion and added that it was impossible to include all assignments of election functions in the Charter. Mr. Golunsky proposed leaving out the whole Article. Discussion brought out that its provisions were incorporated elsewhere in the Charter.

The Committee agreed to the deletion of Article 16, subject to later review.

### Article 17

The Committee considered the new draft of this Article which was read by the Secretary in the following form:

"The expenses of the Organization shall be borne by the members as apportioned by the General Assembly. The General Assembly shall consider and approve the budget of the Organization and any financial and budgetary arrangements with specialized agencies brought into relationship with it."

Discussion led to the adoption of Mr. Pelt's proposal to place the budget first and the apportionment second. The second paragraph of former Article 15 was to become paragraph 3. Messrs. Bailey and Golunsky called attention to the fact that the financial arrangements with specialized agencies were in both paragraphs 1 and 3. Accordingly the language was recast.

The Committee adopted the following text of Article 17:

"1. The General Assembly shall consider and approve the budget of the Organization.

"2. The expenses of the Organization shall be borne by the members as apportioned by the General Assembly.

"3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 60, and shall examine the administrative budget of those specialized agencies with a view to making recommendations to the agencies concerned."

### Article 17 X(16)

This Article was adopted by Committee II/1 on June 18 upon the recommendation of Committee II/4 and was before the Committee in Doc. WD 399; CO/163.

The introduction of a new Article provoked a discussion of arrangement which led to a decision to place this text as Article 16, before the budget article.

The Committee accepted the following text:

"The General Assembly shall have power to approve the trusteeship agreements for areas not designated as strategic, and to perform such other functions as are assigned to it under Chapter XII(X)."

Article 18 (15)

This Article appeared in three paragraphs in Doc. WD 336; CO/133. Its substance had been referred by the Steering Committee back to Committee II/2 and III/1, from which the Committee had a text which omitted the original second paragraph and revised the remaining two paragraphs (Doc. WD 375; CO/47 (2)).

Mr. Robertson suggested that the Article be placed as Article 15 which, with the new Article 16, would fill the Chapter.

The Committee accepted the new text:

"1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has adopted or applied to maintain international peace and security.

"2. The General Assembly shall receive and consider reports from the other bodies of the Organization."

Article 19 (18)

Mr. Jebb stated, in reply to Mr. Pelt, that the deprivation of the voting privilege applied only in the General Assembly. Mr. Golunsky explained that the significance of being in arrears "for the preceding two full years" was that the amount payable would vary from year to year.

The Committee read "member of the United Nations" in paragraph 1.

Article 20 (19)

Typed Alternatives A and B of this Article were laid before the Committee by the Secretary, Mr. Darlington. The Alternative B was text approved by the Committee on June 4 and 5 (WD 171; CO/52 (2)). Alternative A was a draft by Sir William Malkin which had been discussed by the Advisory Committee of Jurists. A provision regarding the trusteeship system was inserted in each.

The Committee, after discussion of the two forms, decided to proceed with Alternative B.

The content of the Article was determined at this point by a final text adopted by Committee II/1 on June 18, Doc. WD 400; CO/52 (4), which included revisions related to action by Committee I/2 on expulsion and Committee II/4 on the trusteeship system.

In the list of questions to be decided by the two-thirds vote, the Committee revised the language of Committee II/1 in some respects.

The Committee adopted the reading "the election of the non-permanent members of the Security Council" to replace "election of members of the Security Council".

The Committee deleted "election of members of the Trusteeship Council" and substituted therefor "the election of the members of the United Nations which are to designate members on the Trusteeship Council in accordance with the provisions of Article 86 (c)".

Discussion of the new phrase from Committee II/1, "questions relating to the operations of the trusteeship system" brought an understanding that the questions embraced trust agreements, decisions on reports and everything else relating to the system.

Mr. Jebb noted the omission of questions relating to the working of the economic system, but the Chairman pointed out that the Charter had no chapter on the "economic system". The Committee agreed that it was not for it to decide concerning a vote on "economic and social cooperation".

Mr. Robertson's remark that the list of questions to be decided by a two-thirds vote was an arbitrary choice led to a recasting of the Committee's draft, which contained the lengthy list between dashes in the first sentence. Mr. Golunsky thought the word "important" should be emphasized and Mr. Jebb pleaded for the elimination of the dashes.

The Committee recast Alternative 13 in the following form:

> "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of these present and voting. These questions shall include: . . . Decisions on other questions - including the determination of additional categories of questions to be decided by a two-thirds majority - shall be made by a majority of those present and voting."

Mr. Pelt suggested that since the Article was drafted in such a way as to indicate only the important categories of questions, namely, those on which a two-thirds vote was required, it appeared unbalanced; he desired to mention examples of the less important questions. The Committee thought this was not necessary.

Mr. Robertson asked Mr. Golunsky if the third sentence raised the possibility that, if the Assembly could decide by simple majority to move a question up into the "important" category, it could also by a simple majority move it down again; he concluded that, if so, it was logically conceivable thus to amend the Charter by a simple majority. Messrs. Golunsky, Liang and the Chairman said the text was not subject to that interpretation.

Article 21 (20)

No discussion.

Article 22 (21)

The Committee divided the Article into two sentences.

Article 23 (22)

No discussion.

General.

The Executive Secretary, Mr. Rothwell, was presented to the Committee, in order to obtain information concerning the manner in which the documents of the Conference were to be circulated and signed. Mr. Golunsky expressed the view that since the Statute was part of the Charter, both documents would be subscribed by one signature; the order of papers at the time of signing would be: Charter, Statute, both in all five languages, and then the signature pages. The Committee ruled that final decision on this point lay between the Secretariat and the Advisory Committee of Jurists.

Mr. Pelt asked whether it would not be desirable to accompany the copies of the tentative Charter, which were to be distributed the following day, with a brief memorandum describing the work of the Coordination Committee. He remarked that the Committee was looked upon by some delegates with a slight uneasiness, since they were not fully informed of the nature of its work, nor how it interpreted its mandate. The Chairman said he did not think he could issue such a memorandum to accompany the tentative Charter, (Doc. 1140; CO/179) but he might make an interim report to the Executive Committee in presenting the document to that body.

Mr. Robertson suggested that since the closing date had been deferred for three days, it might be possible to do something to improve Chapter VI, about which he was not fully satisfied

He requested that the Delegations might have a chance to look at the alternative arrangement which had been presented to the Committee. The Chairman said he did not feel able to present the draft to the delegates over the heads of the Technical Committee. Mr. Robertson said that Chapter VI might go back to Committee III/2, and the Chairman asked the Secretary if he would look into the question.

The meeting adjourned at 3:55 a.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 438 (ENGLISH)
CO/202
September 11, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTY-EIGHTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 22, 1945, 10:00 a.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile -- Félix Nieto del Río
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Alfonso García Robles
Netherlands -- Adrian Pelt
U.S.S.R. -- S.A. Golunsky
United Kingdom -- H. M. G. Jebb
United States -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

Also present were the members of the Advisory Committee of Jurists:

Green H. Hackworth (United States)
Hsu Mo (China)
Jules Basdevant (France)
S. B. Krylov (Union of Soviet Socialist Republics)
Sir William Malkin (United Kingdom)

### DRAFT STATUTE OF INTERNATIONAL COURT OF JUSTICE

The Chairman, Mr. Pasvolsky, presented for the Committee's consideration the Draft Statute of the International Court of Justice (Doc. 1141; CO/180), with the comment that this was probably the last time the Draft would be before the Committee. He requested that the Secretary, Mr. Darlington, read it orally article by article.

The Advisory Committee of Jurists joined the meeting shortly after the reading began. It was agreed that they should consider the decisions of the Coordination Committee in a meeting of their own and report back concerning them. The changes of wording agreed upon by both Committees were issued later as Doc. 1109; CO/192.

"The present Charter"

Mr. Bailey questioned the use of the formula "the present Charter" which occurred frequently. It was pointed out that the only alternative was "this Charter", and that the Jurists, particularly Sir William Malkin, were satisfied with the choice of "the present Charter". Mr. Golunsky commented that it would be difficult at this advanced stage of editing to make such a correction without running the risk of creating new errors. Sir William Malkin stated that "the present Statute" was used to differentiate it from the Statute of the Permanent Court of International Justice.

The Committee agreed to retain the formula "the present Charter" and "the present Statute".

Article 1

The Committee agreed to read "Charter of the United Nations" since this was the first reference in the Statute to the Charter.

Article 3

The Committee decided to capitalize Member when it meant a member of the United Nations, as a matter of Charter style.

Name of the Organization

The question was raised as to whether or not in the frequently used phrase "of the United Nations" the article should be capitalized. This question in turn gave rise to the question: What is the name of the Organization? Mr. Hackworth recalled that the title of the Declaration by United Nations omitted the article and suggested that, because the name of the Organization was supposed to be a perpetuation of that title, the article should be omitted. The Committee then referred to various names and titles -- such as, United States of America, League of Nations, The Hague, Le Havre, La Paz, United States of Brazil, the Netherlands, The Times, the United Mexican States, etc., -- in which the article might or might not seem to be an integral part of the title. It was noted that in most of these instances the article, when it was used, was not capitalized.

The Committee agreed that the name of the Organization would be: "United Nations", the uncapitalized article being used for the sake of euphony and grammatical convention.

It was suggested that in line 3, paragraph 1, the phrase "or Member of the United Nations" be deleted, leaving only "state".

Mr. Hackworth counseled the Committee not to tamper with the Statute, which followed closely the Statute of the Permanent Court of International Justice and which a group of eminent jurists had elaborated with care over a period of eight months.

It was explained that the Committee would change the language in the Statute, which was an integral part of the Charter, only when it was inconsistent with the language of the Charter. It was felt that in this instance a basic question was involved; and that the Committee should now base its considerations on Articles 3 and 4 of the Charter. These Articles provided a definition of "state": Each Member of the Organization was a state. The phrase "or Member" in Article 3 and elsewhere in the Statute should therefore be deleted, because it assumed that there might be Members of the Organization which were not states, and that was contrary to Article 3 of the Charter. It was recalled, also, that "peace-loving state" had been the criterion for the invitation to the Conference. Moreover, "state" referred to any state, whether or not a Member of the Organization.

The Committee agreed that the Charter prevailed and that it had established as a definition that Members of the United Nations were states. This was confirmed by Mr. Davis, Executive Officer of Commission I. Mr. Bailey mentioned that the provision differed from that in the Covenant of the League of Nations but as a decision in the Charter it created a new status in the field of political science. Mr. Liang called attention to the distinction between original and admitted Members. Original Members, whatever their previous status, are states, but only entities having reached statehood may be admitted. Mr. Golunsky observed that the Advisory Committee of Jurists had approved Article 3 of the Charter.

The Committee decided that the language of the Statute should be consistent with that of the Charter.

The Committee agreed to delete "or Member of the United Nations" in line 3, paragraph 1, and line 3, paragraph 2, since state" by definition in the Charter included any state, whether or not a Member of the Organization.

Article 4

The Committee agreed, line 3, paragraph 1, to delete: "of the United Nations" after "Council".

In line 1, paragraph 2, and line 2, paragraph 3, to capitalize "members" and "member", respectively.

Article 7

The Committee agreed, line 1, to delete "of the United Nations", since it followed a first reference to the Secretary-General in Article 5.

Article 10

The Committee agreed that, line 1, paragraph 1, and line 3, paragraph 3, it was necessary to retain "absolute" in front of "majority", since the required majority was one half of the whole membership plus 1.

The Committee agreed, line 2, paragraph 3, to delete "or member of the United Nations".

The Committee in paragraph 3 read "both of".

Article 13

The Committee agreed, paragraphs 2 and 4, to delete "of the United Nations".

Article 14

The Committee agreed, line 3, to delete "of the United Nations".

Article 17

The spelling "enquiry" in paragraph 2 was confirmed.

Article 18

The Committee agreed to delete, paragraph 2, "of the United Nations".

Article 32

The Committee adopted the spellings "traveling" and "fulfil".

The Committee agreed to follow Webster's Dictionary for spellings, except for certain cases where English usage was requested.

The Committee agreed, paragraph 5, to delete "of the United Nations".

Paragraph 7, the Committee replaced "retiring" by "retirement."

Article 34

The Committee agreed, paragraph 1, to delete "or members of the United Nations".

Article 35

The Committee agreed, paragraphs 1 and 3, to capitalize "members" and "member".

Mr. Bailey said that, according to the rule adopted at the outset, paragraph 1 should simply be: "The Court shall be open to states parties to the present Statute". After further discussion the Committee decided to add "other" between "to" and "states".

The Committee read paragraph 1 as follows:

"1. The Court shall be open to the Members of the United Nations and also to other states parties to the present Statute".

Article 36

Mr. Bailey suggested that paragraph 2 should read: "The Members of the United Nations and other states parties to the present Statute may... in relation to any other state..." Mr. Golunsky noted that "other" in that case would be employed with two different meanings. Later Mr. Bailey suggested as a reading: "The parties to the present Statute may", in accordance with the rule adopted for treating the term "member or state". Mr. Golunsky agreed.

The Committee in paragraph 2, lines 1 and 2, deleted "Members of the United Nations and the states".

The Committee struck out "Member or" in paragraph 2, line 5.

In paragraph 3, line 3, the Committee struck out "Member or".

### Article 40

To Mr. Bailey's suggestion that the phrase "as the case may be" in paragraph 1 could be omitted without altering the sense, Sir William Malkin explained that the words were in the original Statute and obviously referred to the fact that some cases were brought before the Court by agreement while others were brought before it on the application of one party under the compulsory jurisdiction procedure.

The Committee inserted "other" between "any" and "states" in paragraph 3, line 3.

### Article 52

Mr. Bailey suggested substituting "party" for "side" in the last clause as a matter of uniformity with Article 53. This seemed to be agreeable to the Committee. When this was read by the Secretary as one of the changes, Sir William Malkin called attention to the difference between Article 52, where there might be several parties on the two sides, and Article 53, which he believed to apply to only two parties. He said this stage was not the time to make this kind of change, which was one of substance. In consequence of the protest, the proposed change was submitted to the Advisory Committee of Jurists, which maintained the original language.

### Article 53

Paragraph 1, line 2 and line 4, the Committee substituted "its" for "his".

### Article 66

Paragraph 1, the Committee capitalized "Member", deleted "of the United Nations" and inserted, line 4, following "any" the word "other".

Paragraph 2, the Committee capitalized "member" and inserted "other" in front of "state entitled".

Paragraph 3, the Committee capitalized "Member", line 1 and line 5; and inserted "other" in front of "state entitled".

After the reading of paragraph 4 Mr. Golunsky said that "Members" and the commas should be stricken out of the clause "Members, states, or organizations" in the three places where it appeared. Mr. Robertson thought there was inconsistency in the changes made in the Article, and Mr. Bailey questioned whether it was right to refer to Members and states in the preceding paragraphs and not here. The Chairman thought that the identification of Members or any other states entitled to appear before the Court in paragraph 1 was determinative for the rest of the Article. Mr. Golunsky said the formula was "states entitled to appear before the Court" and the Chairman commented that it was still Members and other states so entitled. Mr. Hackworth suggested beginning paragraph 4 "any states and organizations".

The Committee in paragraph 4 deleted "Members" and commas in three places.

The Committee began paragraph 4 "any states or organizations".

Mr. Basdevant and Mr. Fouques-Duparc thought this change might put in doubt a Member's right to discuss statements it had handed in. The Chairman said the Committee felt it had not changed the sense, but asked the Advisory Committee of Jurists to consider these changes very carefully.

Article 67

The Committee deleted "of the United Nations", capitalized "Members" and inserted "other" in front of "states and of international organizations immediately concerned".

Article 69

The Committee capitalized "Members".

Article 70

The Committee deleted "of the United Nations".

## CHAPTER VI, ALTERNATIVE B

The Chairman inquired whether or not the Committee wished to refer Chapter VI, Alternative B, (Doc. WD 409; CO/152 (2)) to Committee III/2. Mr. Pelt recalled that at the 36th meeting of the Committee the general feeling had been that Alternative B should be referred to the Technical Committee, and the only reason for hesitancy had been the question of time.

Some of the Committee felt that there was not sufficient time left to schedule a discussion by the Technical Committee. Furthermore, they doubted that the Technical Committee could dispose of the matter without falling into renewed discussions of substance. Mr. Bailey suggested that if the delegations of the sponsoring powers recommended Alternative B to Commission III/2 as a non-controversial and useful method of reorganizing the existing text of an important section of the Charter, that Committee III/2 could very likely make its choice with dispatch. Mr. Golunsky reported that the Soviet Delegation had refused to reopen discussion of Alernative B. Mr. Jebb thought the question would occupy Committee III/2 several hours and it might agree to something quite different.

The Chairman suggested that Alternative B might be placed on the agenda of the Steering Committee for final review because there was involved a possible conflict between Article 2, paragraph 3, and the particular obligation of Chapter VI. Mr. Bailey supported this view. Mr. Jebb interjected that, if it were sent to the Steering Committee the implication would be that his Delegation approved of Alternative B, which he feared was not altogether the case. He was not sure that Mr. Pasvolsky spoke with entire authority from the United States Delegation. Mr. Golunsky said the Soviet Delegation had not discussed it.

The Chairman, looking at the alternatives on the substantive side, found Alternative A as passed not too objectionable. "If the member states carry out their obligation to settle by means of their own choice disputes which are obviously likely to impair the peace, we should not be too much worried about whether they settle their other disputes or not because we will have attained the major part of our objective. However, alternative B would make the whole document more logical because then the first paragraph of Chapter VI would flow directly and comprehensively out of the third principle."

Mr. Robertson proposed that the alternative B should be submitted to the Steering Committee as the basis of an agreed amendment to the Charter. The Chairman supported the suggestion that the work done should be reported by the Committee so as to be available in the records.

The Committee agreed that the proceedings of the Committee should record its discussions of Alternative B.

## RECORDS OF THE COORDINATION COMMITTEE

There was brief discussion, by reason of a request from the Secretary for instructions, as to whether or not the Committee's documents should be released to the Delegations (and the public) at the present moment. It was the sense of the Committee that, because of lack of time and the importance of the matter no written report officially approved by the Committee could be submitted to the Executive Committee, but an oral report might be made. None of the Committee's documents should be made public until the Executive Committee or the Preparatory Commission had had an opportunity to decide whether this should be done.

The Committee agreed to recommend to the Executive Committee of the Conference that the documentation of the Coordination Committee should not be made generally available to the Delegations at the present time, and that the release of documents should be left to the Preparatory Commission for decision.

The Committee examined the state of its work. A final reading of the draft Charter would require consideration of the order of the chapters and the order of the articles in the Chapters in addition to a review of the language for consistency of terminology and other points. The Committee would be asked to pass upon the Steering Committee's text of an instrument relating to the Preparatory Commission, which was distributed in Doc. 1026; ST/15.

The Committee was of the opinion that it would have to submit the Preamble to the Executive Committee as it had come from Committee I/1, but with the additions made for legal reasons.

The meeting adjourned at 1:15 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 439 (English)
CO/203
September 14, 1945

# COORDINATION COMMITTEE

## SUMMARY REPORT OF THIRTY-NINTH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 22, 1945 at 3:30 p.m.

The following members were present:

| | |
|---|---|
| Australia | --K. H. Bailey |
| Brazil | --Cyro de Freitas Valle |
| Canada | --N. A. Robertson |
| Chile | --Félix Nieto del Río |
| China | --Yuen-li Liang |
| Czechoslovakia | --Jan Papánek |
| France | --Jacques Fouques-DuParc |
| Iran | --Ali Akbar Siassi |
| Mexico | --Alfonso García Robles |
| Netherlands | --Adrian Pelt |
| U.S.S.R. | --S. A. Golunsky |
| United Kingdom | --H. M. G. Jebb |
| United States | --Leo Pasvolsky |
| Yugoslavia | --Stojan Gavrilovic |

The Chairman, Mr. Pasvolsky, opened the meeting at 3:25 p.m.

### Draft Statute of the International Court of Justice

The Committee had before it Document 1141; CO/180, "Draft Statute of the International Court of Justice", incorporating changes adopted at the thirty-eighth meeting, as reviewed by the Advisory Committee of Jurists, subject to approval of the Coordination Committee. The Secretary, Mr. Darlington, reported that the Jurists had accepted all the changes introduced in the Statute in the course of the morning, with the exception of four Articles.

Article 35

The Jurists proposed that paragraph 1 should read: The Court shall be open to the states parties to the present Statute", in order to make it conform with the preceding Article.

The recommendation of the Advisory Committee of Jurists was agreed to.

Article 36

The Advisory Committee of Jurists agreed with the Committee's proposal to make paragraph 2 read:

"2. The parties to the present Statute may...in relation to any other state..."

In the discussion it developed that the Committee preferred to identify the "parties" as "states".

The Committee confirmed its intention to read: "The states parties to the present Statute".

Article 52

The Advisory Committee of Jurists felt that the word "side" should not be changed to "party".

The Committee agreed to retain the word "side".

Article 66

In considering paragraph 1, which was revised by the Committee at its thirty-eighth meeting as follows:

"1. The Registrar shall forthwith give notice of the request for an advisory opinion to the Members of the United Nations, through the Secretary-General ~~of the United Nations~~, and to any other states entitled to appear before the Court"

the Advisory Committee of Jurists submitted the following text:

"1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court".

The Committee accepted the text submitted by the Advisory Committee of Jurists.

On paragraph 2, the Advisory Committee of Jurists submitted the following text:

"2. The Registrar shall also...notify any state entitled to appear before the Court..."

> The Committee accepted the text submitted by the Advisory Committee of Jurists.

In paragraph 3, the Advisory Committee of Jurists proposed substituting "such" for "Member of the United Nations or other", which the Committee had accepted.

> The Committee in paragraph 3 read: "Should any such state entitled..."

> The Committee struck out "Member or" in line 5.

In paragraph 4, the Advisory Committee of Jurists desired to revert in the first line to "Members, other states and organizations" instead of the Committee's formula, "Any states and organizations", and in the two other places where the formula was used to replace "Members". The reason given for this desire was that the omission of "Member" made paragraph 4 in disagreement with paragraph 2 as it had left the Committee, and which then provided that the Registrar should "notify any Member of the United Nations or other state entitled to appear before the Court".

Mr. Bailey asked whether "other" qualified "Members, states or organizations" in order to distinguish them within the group which had presented statements or in order to contrast them with those which had made statements. The Committee discussed the question at length and entertained several suggestions without reaching a conclusion.

> The Committee decided to refer paragraph 4 to the Advisory Committee of Jurists

Subsequently, the Advisory Committee of Jurists submitted the following draft:

"4. Members, other States, and Organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other members, states, or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to other members, states, and organizations having submitted similar statements".

This text did not resolve the difficulty, and Mr. Golunsky was asked to take the matter up again with the Advisory Committee of Jurists. On this occasion the whole Article was examined with a view to eliminating the formula "Members, other States", which resulted in the recommendations concerning paragraphs 1, 2, and 3 as recorded above.

Subsequently, when Article 15 of the Charter was under discussion, a confirmatory report was received from the Advisory Committee of Jurists.

The Committee approved paragraph 4 in the following form:

"4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements".

The revised text of the Statute was issued as Doc. 1158; CO/180 (1).

## INTERIM ARRANGEMENTS

The Committee had before it: (1) Preliminary Draft Agreement on Interim Arrangements concluded by the Governments represented at the United Nations Conference on International Organization (Doc. 1026; ST/15); and (2) typewritten recommendations by the Committee of Jurists for the Preamble, and for revision of paragraphs 8 and 9 of the Preliminary Draft.

The Committee approved the Preamble for the Interim Arrangements submitted by the Advisory Committee of Jurists, as follows:

"The Governments represented at the United Nations Conference on International Organization in the City of San Francisco.

"Having determined that an international organization to be known as the United Nations shall be established.

"Having this day signed the Charter of the United Nations, and

"Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission should be established for the performance of certain functions and duties,

"Agree as follows:"

The Committee discussed the advisability of using "United Nations Preparatory Commission", to be abbreviated as UNPC.

*In paragraph 1 the Committee read "Preparatory Commission of the United Nations".*

In discussing paragraph 4 (c) it was understood that "assets of the League of Nations" meant net assets, that is, the remaining difference between the assets and liabilities.

The use of "convening" for the International Court of Justice and of "convoke" (paragraph 4 (a)) for the General Assembly was confirmed.

The Advisory Committee of Jurists noted that, as respected paragraph 4 (e), the Statute of the Court (Articles 5 and 7) did not envisage issuance of invitations for nominating judges by such a commission. The following subparagraph was accordingly submitted:

> "(e) Issue invitations for the nomination of candidates for the International Court of Justice in accordance with the duties devolving upon the Secretary-General under the Statute of the Court, in order that the election of the judges may take place at the first meeting of the General Assembly and the Security Council".

Mr. Golunsky commented that this was an effort to avoid violation of the Statute, but subparagraph (a) would similarly violate the Charter, since it prescribed the convocation of the

General

General Assembly by the Secretary-General, not the Commission, though the Secretary-General was to be appointed by the General Assembly. If they conformed strictly to the text of the instruments at this preliminary stage, they would not get along. Mr. Liang said it was the task of the Preparatory Commission to consider in detail what procedure was to be adopted for carrying the items.

The Committee retained the Steering Committee text of paragraph 4 (e).

The Chairman called attention to the decision on June 21 by the Steering Committee (Doc. 1212; ST/22) that London was officially designated as the seat of the Preparatory Commission.

In paragraph 5 the Committee filled the blank by inserting "Government of the United Kingdom of Great Britain and Northern Ireland".

In paragraph 6 the Committee filled the blank by inserting "London".

For paragraph 8 the Advisory Committee of Jurists submitted a draft designed to bring the document into conformity with the Charter, reading as follows:

"8. The present document drawn up in five languages shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted to the governments of the other signatory states".

The Committee noted that this proposal did not cover all the points included in the Preliminary Draft. In reviewing the text Mr. Jebb pointed out that a "depositary" was a person entrusted with something, whereas a "depository" is a place where something is kept. Mr. Robertson noted that the corresponding Article of the Charter did not use the term "official language".

The Committee struck out "official" from the phrase "five official languages".

The phrase "languages in which it is signed" was debated and retained. On the Preliminary Draft Mr. Jebb commented that you don't have custody of a document for the purpose of giving it to someone else. The Chairman thought the draft of the Advisory Committee of Jurists was better on this point. The second sentence was recast and rearranged in the light of this discussion.

The Committee agreed upon the following text:

"8. The Government of the United States of America shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the five languages in which it is signed. Duly certified copies thereof shall be transmitted to the governments of the signatory states. The Government of the United States of America shall transfer the original to the Executive Secretary on his appointment".

For paragraph 9 the Advisory Committee of Jurists submitted a revised draft as follows:

"9. This document shall be effective as from this date and shall remain open for signature until the Commission is dissolved, in accordance with paragraph 7".

The Committee preferred the expression "effective as from this date" to the formula of the Preliminary Draft. "Effective" was deemed to be a happier expression than "come into force" at this point, though "coming into force" was adopted in the Preamble, in conformity with Chapter XIV, Article 79. Mr. Golunsky mentioned that "remain open for signature" needed qualification to limit eligibility to the signatories of the Charter.

The Committee agreed upon the following text:

"9. This document shall be effective as from this date, and shall remain open for signature by the states entitled to the original members of the United Nations until the Commission is dissolved in accordance with paragraph 7".

For the testimonium clause the Committee considered a draft by the Advisory Committee of Jurists with amendments submitted by it. This revised draft read:

"In ~~witness~~ faith whereof, the undersigned ~~plenipotentiaries~~ representatives having been duly authorized for that purpose, sign this document in the English, French, Chinese, Russian and Spanish languages, ~~each~~ all texts being of equal authenticity".

The Committee approved the revised text.

A suggestion to name the languages in alphabetical order was not pursued to a conclusion.

The Committee noted that the Preliminary Draft provided signature identifications in the form "For the Commonwealth of Australia", while the draft of the Advisory Committee of Jurists read simply "Australia". Mr. Bailey for Australia expressed a preference for the shorter form.

> The Committee made no recommendation on the form of state names in the signature list.

The decisions of the Committee are shown in Doc. 1165; ST/15 (1).

## THE CHARTER

The Committee had before it Doc. 1140; CO/179 in the form of galley proofs.

### Rearrangement

> The Committee agreed upon a rearrangement of the Chapters.
>
> The Chapters on principal organs were placed in the order of Article 7, paragraph 1.
>
> The Committee renumbered the Articles consecutively in the new arrangement.

The rearrangement of Chapters and the order of the Articles as renumbered for this consideration by the Committee are set forth in columns 1 and 2 of Annex A. Column 3 of Annex A sets forth the changes of order of the Articles as made during the 39th and 40th meetings of the Committee.

### Terminology

In addition to or in confirmation of decisions concerning standardized phrases or points of style previously taken, the Committee agreed to rules governing the terminology of the Charter, as follows:

The terms "United Nations" and "Organization" may be used interchangeably, the choice in English being guided by the context. For the inflected languages, it was understood that "Organization" would be used as a subject in order to construct a sentence dealing with the institution in the singular.

"Members", referring directly to the membership of the Organization, should be capitalized, but should be in lower case when it refers to membership of principal organs or other bodies.

"Action" and "measures" are used as the sense dictates.

"Charter", "Chapter", and "Article" are capitalized.

"State" and "signatory" are in lower case.

"Government" is capitalized if it refers to a specific or clearly identified regime.

"Purposes and Principles", used separately or together, are capitalized when referring to the statements in Articles 1 and 2.

"President" is capitalized.

"Secretary-General" is capitalized and hyphenated.

Both terms "peaceful means" and "pacific settlement" are used.

The term "non-member state" was discarded and the phrase "state not (or which is not) a Member of the United Nations" adopted.

"Peace and security" was adopted and "peace or security" discarded. Use of the full phrase, "maintenance of peace and security" was guided by the context.

"Nations" was retained where used advisedly.

Usage of "bodies", "organizations", "agree", "pledge", "undertake", "provide for", and "laid down" was according to context.

"In accordance with" was adopted in preference to "in accordance with the provisions of".

Side headings in Chapters should be in italics, flush with the margin.

## Review of Text

The Charter was read in the new arrangement of Chapters, Article by Article, by Mr. Thompson of the Secretariat and the changes agreed upon summarized at intervals by the Secretary, Mr. Darlington, for final approval. Standardized editing changes were automatically noted, but not recorded below. Cross references are not noted.

## CHAPTER I

Mr. Bailey raised the questions of assigning Articles 1 and 2 to separately entitled Chapters and making the subparagraphs separate articles appropriately phrased. The Committee felt that the suggestion came late, and the special character of the two Articles made the form of enumeration, which was unique in the Charter, unobjectionable.

> The Committee struck out the side headings "Purposes" and "Principles".

### Article 1

In Article 1, paragraph 1, the comma was retained between "peace" and "and", (the second time those two words are used) after debate over using a semicolon.

> The Committee in paragraph 3 deleted "the" from "for fundamental freedoms"

> The Committee agreed to the Chairman asking the Steering Committee for authority to standardize the phrases "economic, social, cultural, or humanitarian" and "human rights and fundamental freedoms".

### Article 2

In Article 2 Mr. Robertson learned from Mr. Liang that a change of "in pursuit" to "pursuant to" would involve a change of meaning in Chinese.

> The Committee deleted the colon and put a period at the end of the introduction of Article 2.

In paragraph 3 a comma was stricken out between "peace and".

In paragraph 4 "member or" was stricken out of the phrase "of any state".

In paragraph 6 "United Nations" was deleted and "Organization" inserted.

## CHAPTER II

### Article 3

The Committee read "Declaration by United Nations"

### Article 4

In paragraph 1, line 6, the Committee read "Charter and, in the judgment", omitting "which".

Incorporated in the text of Article 4 in this edition of Chapter II (Doc. 1129; CO/127(1)) as assembled in Doc. 1140; CO/179 was a paragraph 3, which was a recommendation from the Advisory Committee of Jurists as follows:

"3. The action of the General Assembly shall be promptly communicated by the Secretary-General to the Government of the United States of America, as the depository of the Charter, and to the Governments of all other members of the United Nations".

The Committee decided to omit paragraph 3.

### Article 5

The Committee confirmed "the" in the clause "of the rights and privileges of membership", as meaning suspension of all and not of some. Imposition of stages of suspension would be implied by "any".

## CHAPTER III

### Article 7

The Committee inserted "a Trusteeship Council", before "an International Court" in paragraph 1.

### Article 8

The Committee read "in its principal and subsidiary organs".

## CHAPTER IV

### Article 9

The Article was divided into paragraphs 1 and 2.

### Article 10

The Committee read "or to both".

### Article 11

The Committee in paragraph 1, last line, read "or to both".

In paragraph 2, end of first sentence, read "or to both".

In paragraph 2 begin last sentence "Any such question".

The Committee amended paragraph 4 to read:

"4. The powers of the General Assembly set out in this Article shall not limit the general scope of Article 10".

### Article 13

The Committee reviewed the history of the verb "shall initiate" in paragraph 1 and felt that the intention was not to impose a responsibility but to grant an authority. However, it did not feel capable of using "may" without sanction from the Steering Committee.

The question of whether the General Assembly "shall" or "may" initiate studies was left to the Steering Committee.

The Committee read "fundamental" instead of "basic freedoms" in paragraph 1 b.

The typographical treatment of letters identifying subparagraphs was left to the press editors.

Article 14

The Committee discussed the phrase "friendly relations among nations", with reference to substituting "states" for "nations" without making a recommendation.

Article 15

> The Committee in paragraph 1 replaced "adopted or applied" by "decided upon or taken".

On paragraph 2 Mr. Pelt commented that the Court was not supposed to send a report. He and Mr. Bailey made the point that the paragraph created no obligation to render reports, which was imposed on particular organs throughout the Charter.

> The Committee deleted "bodies of the Organization" and wrote in "organs of the United Nations".

Article 16

On the suggestion of Mr. Jebb, supported by Mr. Golunsky, this Article was recast for greater clarity.

> The Committee adopted a revision reading as follows:

"The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic".

The Chairman recalled the earlier discussion of the powers of the General Assembly in connection with the trusteeship system and the handling by the Committee of the original text of Committee II/4 in Article 16 and present Article 87. No action was taken upon the idea of avoiding repetition by transferring Article 87 into Chapter IV.

Article 17

In the text before the Committee paragraphs 2 and 3 were reversed in order to conform with the decision taken at the thirty-eighth meeting.

Article 18

The Committee recast paragraph 1 to read:

"1. Each member of the General Assembly shall have one vote".

The Committee agreed to transfer paragraph 2 as Article 19.

The Committee agreed to transfer the two sentences of Article 19 to Article 18 as paragraphs 2 and 3.

These decisions, made on the suggestion of the Chairman, brought the voting provisions together.

In paragraphs 2 and 3 "those present and voting" was changed to "members present and voting".

Detailed discussion of several points with respect to the enumeration in paragraph 2 resulted in some revision of language and a change of order in moving the provision regarding suspension ahead of that regarding expulsion. The provision of election of members of the Trusteeship Council was revised at this meeting and reconsidered at the fortieth meeting when Article 86 was reviewed; both decisions are indicated in the text below.

The Committee in paragraph 2 effected a revision to read:

"...the election of ~~the Members of the United Nations which are to designate the representatives~~ members ~~in~~ of the Trusteeship Council in accordance with ~~the provisions~~ of paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions".

It was noted this was not an inclusive list, and that other provisions for the two-thirds vote did not need mention here.

In paragraph 3 the Committee replaced the dashes by commas.

## Article 19

Mr. Golunsky mentioned that this paragraph in its original place as Article 18, paragraph 2, clearly meant that the Member in arrears could not vote in the General Assembly, but that as a separate Article it could be interpreted to mean that the Member could not vote in any other part of the Organization. It was observed by Mr. Bailey that a Member without a vote could participate in discussions and even pay his dues.

> The Committee agreed to say "shall have no vote in the General Assembly".
>
> The Committee read at the beginning of the sentence "A Member of the United Nations".

## CHAPTER V

## Article 23

Mr. Fouques-Duparc confirmed the use of "France" rather than the "Republic of France". Mr. Liang confirmed the use of "Republic of China" in the list in paragraph 1.

> The Committee put the names of the permanent members of the Security Council in alphabetical order, thus:

"The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council".

## Article 24

> The side heading "Primary Responsibility" was deleted and "Functions and Powers" substituted for uniformity with other Chapters.
>
> In paragraph 2 "Chapter XII" was added to the cross references.

## Article 26

> The Committee inserted after "Military Staff Committee" "referred to in Article 47".

### Article 27

*The Committee combined Articles 27, 28, and 29 as three paragraphs of Article 27.*

*In paragraph 3 the references were checked to read: "provided that, in decisions under Chapter VI and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting".*

*The Committee decided temporarily not to renumber the following Articles.*

### Article (30) 28

*The Committee in paragraph 3 read "judgment will best facilitate" and deleted "may".*

### Article (33) 31

Mr. Golunsky called attention to the fact that participants in the Economic and Social Council which were not members did not vote and suggested that the same provision should be included here. Mr. Jebb supported this view. To a remark by Mr. Robertson the Chairman said that this specification would not entail saying "with vote" in other articles.

*The Committee read "participate, without vote".*

### Article (34) 32

*The Committee read "participate, without vote".*

*The Committee read "conditions as it deems just".*

The reading of Chapter VI was begun.

The Committee adjourned at 7 p.m.

Annex A

## ARRANGEMENT OF DRAFT CHARTER, JUNE 22, 1945

| Order, June 21 | First Order | Final Order |
|---|---|---|
| Preamble | Preamble | Preamble |
| **Article** | **Article** | **Article** |
| | Chapter I | |
| | Purposes and Principles | |
| 1 | 1 | 1 |
| 2 | 2 | 2 |
| | Chapter II | |
| | Membership | |
| 3 | 3 | 3 |
| 4, pars. 1-3 | 4, pars. 1-2 | 4, pars. 1-2 |
| 5 | 5 | 5 |
| 6 | 6 | 6 |
| | Chapter III | |
| | Organs | |
| 7 | 7 | 7 |
| 8 | 8 | 8 |
| | Chapter IV | |
| | General Assembly | |
| 10 | 9, pars. 1-2 | 9, pars.1-2 |
| 11 | 10 | 10 |
| 12 | 11 | 11 |
| 12X | 12 | 12 |
| 13 | 13 | 13 |
| 14 | 14 | 14 |
| 15 | 15 | 15 |

## Chapter IV (Continued)

### General Assembly

| | | |
|---|---|---|
| 16 | 16 | 16 |
| 17 | 17 | 17 |
| 18 | 18 | 18 (ex 18,1, and 19) |
| 19 | 19 | 19 (ex 18,2) |
| 20 | 20 | 20 |
| 21 | 21 | 21 |
| 22 | 22 | 22 |

## Chapter V

### The Security Council

| | | |
|---|---|---|
| 23 | 23 | 23 |
| 24 | 24 | 24 |
| 25 | 25 | 25 |
| 26 | 26 | 26 |
| 27 | 27 | 27 (ex 27, 28,29) |
| 28 | 28 | - |
| 29 | 29 | - |
| 30 | 30 | 28 |
| 31 | 31 | 29 |
| 32 | 32 | 30 |
| 33 | 33 | 31 |
| 34 | 34 | 32 |

## Chapter VI

## Pacific Settlement of Disputes

| | | |
|---|---|---|
| 36 | 35 | 33 |
| 37 | 36 | 34 |
| 38 | 37 | 35 (new par.3) |
| 39 | 38 | 36 |
| 40 | 39 | 37 |
| 41 | 40 | 38 |

## Chapter VII

## Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression

| | | |
|---|---|---|
| 43 | 41 | 39 |
| 44 | 42 | 40 |
| 45 | 43 | 41 |
| 46 | 44 | 42 |
| 47 | 45 | 43 |
| 48 | 46 | 44 |
| 49 | 47 | 45 |
| 50 | 48 | 46 |
| 51 | 49 | 47 |
| 52 | 50 | 48 |
| 53 | 51 | 49 |
| 54 | 52 | 50 |
| 55 | 53 | 51 |

### Chapter VIII

### Regional Arrangements

| | | |
|---|---|---|
| 55 | 54 | 52 |
| 56 | 55 | 53 |
| 57 | 56 | 54 |

### Chapter IX

### International Economic and Social Cooperation

| | | |
|---|---|---|
| 58 | 57 | 55 |
| 59 | 58 | 56 |
| 60 | 59 | 57 |
| 61 | 60 | 58 |
| 62 | 61 | 59 |
| 63 | 62 | 60 |

### Chapter IX (X) Chapter X

### Economic and Social Council

| | | |
|---|---|---|
| 63 | 63 | 61(new par. 4), ex par.1) |
| 64 | 64 | 62 |
| 65 | 65 | 63 |
| 66 | 66 | 64 |
| 67 | 67 | 65 |
| 68 | 68 | 66 |
| 69 | 69 | 67 |
| 70 | 70 | 68 |
| 71 | 71 | 69 |

| | | |
|---|---|---|
| 72 | 72 | 70 |
| 73 | 73 | 71 |
| 74 | 74 | 72 |
| Chapter XII | Chapter XI | |
| | Declaration Regarding Non-Self-Governing Territories | |
| 73 | 75 | 73 |
| 74 | 76 | 74 |
| Chapter XII (X) | Chapter XII | |
| | International Trusteeship System | |
| 75 | 77 | 75 |
| 76 | 78 | 76 |
| 77 | 79 | 77 |
| 78 | 80 | 78 |
| 79 | 81 | 79 |
| 80 | 82 | 80 |
| 81 | 83 | 81 |
| 81 X | 84 | 82 |
| 82 | 85 | 83 |
| 83 | 86 | 84 |
| 84-85 | 87 | 85 |
| Chapter XII (Y) | Chapter XIII | |
| | The Trusteeship Council | |
| 86 | 88 | 86(new par.2) |
| 87 | 89 | 87 |

|  |  |  |
|---|---|---|
| 86 | 90 | 88 |
| 88 X | 91 | 89 |
| 89 | 92 | 90 |
| 90 | 93 | 91 |
| Chapter X |  | Chapter XIV |
|  | The International Court of Justice |  |
| 64 | 94 | 92 |
| 65 | 95 | 93 |
| 66 | 96 | 94 |
| 67 | 97 | 95 |
| 68 | 98 | 96 |
| Chapter XI |  | Chapter XV |
|  | The Secretariat |  |
| 69 | 99 | 97 |
| 70 | 100 | 98 |
| 71 | 101 | 99 |
| 72 | 102 | 100 |
| 73 | 103 | 101 |
| Chapter XIII |  | Chapter XVI |
|  | Miscellaneous Provisions |  |
| 74 | 104 | 102 |
| 75 | 105 | 103 |
| 76 | 106 | 104 |
| 77 | 107 | 105 |

|  |  |  |
|---|---|---|
| Chapter XIV |  | Chapter XVII |
|  | Transitional Security Arrangements |  |
| 79 | 108 | 106 |
| 80 | 109 | 107 |
| Chapter XV |  | Chapter XVIII |
|  | Amendments |  |
| 81 | 110 | 108 |
| 81 X | 111 | 109 |
| Chapter XV (X) |  | Chapter XIX |
|  | Ratification and Signature |  |
| 82 | 112 | 110 |
| 83 | 113 | 111 |

Note: The Commissions and their Committees worked on the scheme of arrangement of the Dumbarton Oaks Proposals and reported their decisions on that basis. The Coordination Committee studied the problem of final arrangement of the Charter in Doc. 413; CO/3, Doc. WD 15; CO/10 and Doc. 22; CO/13, and then threw the material at hand into a first draft of the Skeleton Charter (Doc. WD 48; CO/20) of May 29. The Skeleton Charter, Second Draft (Doc. 159; CO/78) of June 4 determined the arrangement from which the Coordination Committee worked thereafter. In order to facilitate the Committee's work a loose-leaf book system was begun at this time by which the Technical Committee's decisions, reported under the Dumbarton Oaks scheme, were arranged under the scheme of the Skeleton Charter as tentative Chapters and Articles in both English and French as working languages. This "book" was begun with Doc. WD 71; CO/32 of June 2, and presented the Technical Committee text on blue sheets filed at the left with the Coordination and Jurists Committees texts on white sheets filed at the right opposite the blue; the "book" was indexed by Doc. WD 157; CO/77. A complete list of these texts as of June 15 was compiled in Doc. 346; CO/77 (a). At about that time the Coordination Committee was able to proceed with consideration of the Articles grouped in Chapters, at which stage changes of order of the material were made in some instances. That eventual order is recorded in the column headed "Order, June 21".

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 440 (ENGLISH)
CO/204
September 14, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FORTIETH MEETING OF COORDINATION COMMITTEE

Opera House, Room 418, June 22, 1945, 9:00 p.m.

The following members were present:

Australia — K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile -- Germán Vergara
China — Yuen-li Liang
Czechoslovakia -- Jan Papánek
France — Jacques Fouques-Duparc
Iran — Ali Akbar Siassi
Mexico — Rafael de la Colina
Netherlands — Adrian Pelt
U.S.S.R. — S. A. Golunsky
United Kingdom -- H. M. G. Jebb
U. S. A. — Leo Pasvolsky
Yugoslavia — Stojan Gavrilovic

The Chairman, Mr. Pasvolsky, opened the meeting at 9:35 p.m.

Throughout the discussions the articles were identified by the sequence of the previous renumbering, which is here indicated in parentheses.

### CHAPTER VI

### Article (35) 33

Mr. Bailey asked if it was intended to impose the obligation on all states, whether or not Members of the United Nations. Mr. Golunsky replied that for the settlement of disputes which will endanger peace and security that was meant.

### Article (37) 35

Mr. Bailey called attention to a discrepancy between this Chapter and Chapter IV, which ascribed narrower powers to the General Assembly than the terms of reference in this Chapter. He suggested specifying that the General Assembly under this Article "act in accordance with the provisions of Articles 10, 11, 12 and 14", or more simply "subject to Article 12", which excepts the Assembly from making recommendations on a matter being dealt with by the Security Council. He was generally supported.

The Committee in paragraph 1 replaced the clause "which will act in accordance the provisions of Articles 11 and 12" with "subject to Article 12".

Mr. Golunsky noted that this change did not cover the provision concerning states not Members of the United Nations in paragraph 2 and suggested adding a third paragraph. In general discussion the idea was formulated phrase by phrase. "Proceedings" was preferred to "action," which was first suggested.

The Committee added a paragraph 3 as follows:

"3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12."

### Article (38) 36

The Committee in paragraph 3 read "should also take".

The Committee left "take into consideration" and recalled that the Technical Committee had rejected "bear in mind", which phrase therefore could not be restored to the text.

### Article (40) 38

It was decided not to use the more general phrase "Without prejudice to the relevant provisions of this Chapter".

## CHAPTER VII

### Article (43) 41

The Committee read "call upon the Members".

It was felt that the obligation of the paragraph fell upon all Members.

### Article (45) 43

The Committee pluralized "Members" and deleted "states" in "member states" twice in paragraph 3.

The term "signatory states" was confirmed.

A further discussion of the degrees of obligation which might be read into the verb "call upon" took place between Messrs. Jebb, Fouques-Duparc, Robertson and Liang. Its translation by inviter or appeler was reviewed, but no changes were decided upon.

### Article (47) 45

The Chairman noted that plans for a special situation were provided for in this Article and plans, presumably of a general character, were to be made under Article (48) 46. The Committee felt the language would be so understood.

### Article (49) 47

In paragraph 2 Mr. Bailey questioned "represented on" and suggested "represented in", but no change was made.

The Committee in paragraph 3 replaced "dealt with" by "worked out".

### Article (51) 49

Mr. Liang said "join in affording mutual assistance" was redundant and difficult of translation into Chinese. He thought the French "doivent se prêter mutuellement assistance" expressed all that was meant. Mr. Jebb thought you joined and then afforded assistance; Mr. Golunsky suggested that the help might be joint or several; and Mr. Robertson put forth the interpretation of joining in a plan to assist one another. Mr. Liang reserved rights in rendering the expression.

### Article (53) 51

The Committee deleted "Organization" and read "Member of the United Nations".

The Committee struck out "may" and read "as it deems necessary".

## CHAPTER VIII

### Article (54) 52

The Committee substituted "United Nations" for "Organization" in paragraph 1.
The Committee read "pacific settlement" in paragraphs 2 and 3.
The Committee replaced "should" by "shall" in paragraph 2.

The use of "states" in "states concerned" in paragraph 3 was confirmed.

The restrictive reference in paragraph 4 was carefully examined. As it stood it excluded from the application of this Article the first and second Articles of Chapter VI, dealing respectively with the obligation of Members to employ pacific settlement and with investigation by the Security Council. In examining the history of the Article the Committee concluded the reference was to the second and third Articles of Chapter VI and was thus intended to except from the provisions concerning regional arrangements the right of the Security Council to investigate and the right of states to bring matters before the Security Council or the General Assembly.

The Committee in paragraph 4 corrected the reference to Articles (36) 34 and (37) 35.

### Article (55) 53

The Committee read "such regional arrangements" in the first sentence of paragraph 1.

The comma after "Article (109) 107" was stricken out.

The Committee in paragraph 1, second sentence, deleted "as described below" and put in "as defined in paragraph 2 of this Article".

Subsequently a recommendation was received from the Advisory Committee of Jurists to revise paragraph 2 by reading "state an enemy during the Second World War of any signatory" instead of "state which during the Second World War has been an enemy of any signatory". The Committee made no change.

A decision to capitalize Second World War led to a discussion of the appropriateness of the term. An initial date was, Mr. Jebb pointed out, impossible, and he mentioned 1939, 1935, 1931 and even 1914 for the argument. No closing date was predictable. Reference to the Declaration by United Nations was unsatisfactory. Mr. Golunsky, supported by Mr. de Freitas Valle, urged that "Second World War" admitted of no doubt and would be universally understood. Mr. Liang added that it was the choice of the Technical Committee, and the point was preeminently political. The usage was confirmed.

In paragraph 2 the quotation marks were removed from "enemy states".

The Committee decided not to use "means" instead of "applies to" in the definition.

Article (56) 54

A discussion of the phrase "in contemplation", begun by Mr. Jebb, developed the idea that it involved the discussion of possible activities.

## CHAPTER IX

Article (59) 57

The Committee in paragraph 1 inserted commas after "agencies", "responsibilities", and "instruments", and deleted the comma after "agreement".

Paragraph 2 was discussed at length when Mr. Robertson raised the question of putting the definition in the singular, which he said covers the plural, whereas the plural does not necessarily cover the singular. Mr. Golunsky thought that would make the references to specialized agencies in various articles easier. Mr. Bailey agreed as a drafting matter, but pointed out that there would be a definition which was never used, all the references being in the plural. The point of whether to use the indefinite, definite or no article with "specialized agencies" was raised. Tautology in the sentence was also pointed out and eliminated by beginning the sentence with "such agencies".

The Committee revised paragraph 2 as follows:

"2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies."

Article (61) 59

The Committee read "new specialized agencies" for "agency".

Article (62) 60

The Committee read "functions of the Organization" for "Organization's functions".

## CHAPTER X

Article (63) 61

The Committee made the second sentence of paragraph 1 a separate paragraph 4.

Article (64) 62

The Committee confirmed the use of "any such matters" in paragraph 1 as indicating that the Economic and Social Council may initiate studies and reports with respect to any or all of the subjects and make recommendations on any one or all of the matters that it deems necessary.

The Committee added "for all" after "freedoms" in paragraph 2.

Article (65) 63

Mr. Robertson questioned the word "agreement". He thought the sense was that agreements were entered into with the idea of bringing all into agreement. The Chairman recalled that "agreements" was the original language of Committee II/3. The phrase "approved by the General Assembly" could be construed to mean approval in advance. Mr. Bailey pointed out that the agreement, not the negotiation, was the thing subject to approval; he thought approval should apply to the terms of agreements.

The Committee revised paragraph 1 to read:

"1. The Economic and Social Council may enter into agreements with any ... Such agreements shall be subject to approval by the General Assembly."

Article (66) 64

The verb "is authorized to" was changed to "may" in both sentences of paragraph 1.

The last clause of sentence 2 of paragraph 1 was revised to read:

"... and to recommendations on matters falling within its competence made by the General Assembly."

In paragraph 2 "the" was stricken out before "Members" and "specialized".

In paragraph 3 "may" became "shall".

The Committee deleted "and such functions" and wrote "or".

Article (69) 67

Whether to say "members present and voting" or "those present and voting" was debated and the uniform use of "members" in such clauses in the Charter noted. Mr. Bailey commented that it is the state, not its representative, that is put on record as voting.

The Committee changed "be taken" to "be made".

Article (73) 71

The Committee wrote "Member of the United Nations" in the second sentence for "Member".

## CHAPTER XI

Mr. Pelt referred to the title of the Chapter, "Policy regarding Non-Self-Governing Territories," and said the report of Committee II/4 (Doc. 1115; II/4/44 (1)(a)) showed that the Technical Committee wanted the text to be a declaration, meant it to be a declaration and said so. He thought it would not be a declaration of the Members; but Mr. Golunsky asserted it would be, since all would sign it. The Chairman asked how could a declaration be put in the Charter as a chapter, and was of the opinion that the Technical Committee, which knew it was working for a Charter, did not envisage how it would fit into a Charter. Mr. Liang found no fault with "declaration" since general statements of the same sort had already been adopted. The Chairman thought that "declaration" might be made a side heading because as a provision it would apply according to its terms but as a declaration it would apply to all. In further discussion Mr. Golunsky said that arrangement as a separate chapter or as part of a chapter did not change his point of view that the declaration was binding not only on the Members who had or assumed responsibility but on all Members. He suggested putting all the trusteeship material in a single chapter. The Chairman suggested putting the "declaration" and the other provisions on non-self-governing territories into one chapter on the model of the economic and social material, with the Trusteeship Council given a separate Chapter. Mr. Pelt said that Chapter XI was a declaration by some states underwritten by all Members. Mr. de la Colina said it covered all Members if they assumed the responsibility. To the Chairman's remark that his only interest in combining these chapters was to get rid of the word "declaration", Mr. Bailey said Committee II/4 was uneasy about the Committee's dropping the word and was surprised at the division into three chapters. Mr. Liang said the Trusteeship Council, as a principal organ, should be given a chapter. In that case, Mr. Golunsky said, there ought to be three chapters. As to "declaration" he advised to let it stay, and Mr. de La Colina commented that it was a declaration whether the title was there or not.

> The Committee reverted to the title "Declaration regarding Non-Self-Governing Territories".

### Article (75) 73

Mr. Bailey drew attention to the pronoun "their" in subparagraph b, "in the progressive development of their free political institutions". It was felt that it could not be changed since it was the exact wording of the Committee II/4, though it literally meant that the institutions must already be free if they were to be progressively developed.

Discussion showed a consensus that "to further international peace and security" implied contributing to their maintenance, and that introducing the full standardized phrase would here be limitative. Furtherance of the cause was broader than maintaining a condition. A desire to restate the point was given up after a discussion of the importance which Committee II/4 attached to the exact wording to which it had agreed.

> The Committee in subparagraph d restored Committee II/4's "when and where appropriate with specialized international bodies" and deleted "with appropriate specialized international bodies".

The Committee in subparagraph d adopted "this Article" as the proper reading for "this paragraph".

Mr. Bailey questioned the accuracy and neatness of the reference defining the exception at the end of subparagraph e. The exact definition was in Article (77) 75, but the Committee thought it better to refer to Chapters, since the reference of Committee II/4 was to its Section B.

The Committee at the end of subparagraph e read: "those territories to which Chapters XII and XIII apply".

Article (76) 74

The Committee debated at length its substitution of "the rest of the world" for "other members of the world community". Messrs. Gerig and Poynton expressed their understanding that Committee II/4 meant "world community" to include non-members as well as Members, but to exclude enemy states for the present. The Chairman and Mr. Jebb said "world community" was not the same as the Organization, and Mr. Golunsky said in using that phrase one must think of the interests of each, whereas one thought of "the rest of the world" as a whole. Mr. Poynton said the original phrase was directed at meeting the criticism that a colonial policy of one state might lead to international friction. After examining "other nations" and similar phrases, the Committee retained "the rest of the world".

## CHAPTER XII

Mr. Bailey called the Committee's attention to the existence of Doc. 1044; II/4/37(2) which was a revision of section B of Committee II/4's decisions (the present Chapters XII and XIII), only an earlier edition of which was in the hands of the Committee as Doc. WD 374; CO/154. References to the new text were made in the ensuing discussions.

Article (77) 75

The Committee read "hereinafter" in the second sentence.

Article (79) 77

At the request of Committee II/4 "as to which" was put back into paragraph 2.

### Article (80) 78

> The Committee read "shall" instead of "should" in view of the new text of Committee II/4.

### Article (82) 80

The references were made specific to Articles after examination of the original of Committee II/4.

The original paragraph 3 had been divided into two articles (Articles (79 and 80) 77 and 78) by the Committee, which found that the second of those Articles did not bear upon this Article.

> In paragraph 1 the Committee read "made under Articles (79, 81, and 83) 77, 79, and 81" and deleted "in accordance with the provisions of this Chapter".

Mr. Gerig explained that Committee II/4 in paragraph 2 of this Article had tried, by using a future conditional, to cover agreements that were concluded while recognizing that in certain cases agreements might not be concluded.

> In paragraph 2 the Committee adopted as a corrected reading: "conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article (79) 77".

### Article (83) 81

The Committee discussed, without changing the text, whether "in each case" required an agreement for each territory or allowed one agreement to cover several territories with variable terms for each.

> The Committee read "will exercise" for "shall exercise".
>
> "Hereinafter" was substituted for "hereafter".
>
> "Organization" replaced "United Nations".

### Article (86) 84

Mr. Jebb proposed a revision of the second sentence. After some discussion of the proper antecedents of the phrases "to this and" and "in this regard" in the proposal it was supported as a more accurate statement of the intention and as avoiding an obscure cross reference.

> The Committee in the second sentence deleted "obligations undertaken by the administering authority under Article 47 and" in order to insert "obligations towards the Security Council undertaken in this regard by the administering authority.".

Article (87) 85

> The Committee inserted "operating" before "under" in paragraph 2.

CHAPTER XIII

Article (88) 86

A redraft of the Article to bring it into conformity with the other composition articles, which had been discussed with some members of Committee II/4, was before the Committee, after preliminary examination and revision, in the following form:

"1. The Trusteeship Council shall consist of the following Members of the United Nations: (a) those Members administering trust territories; (b) such of those Members mentioned by name in Article 23 as are not administering trust territories; and (c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not, ~~administer trust territories~~.

"2. Each member of the Trusteeship Council shall ~~have~~ designate one specially qualified person to represent~~ative in~~ it therein."

A question of style was resolved by concluding that Members were represented in rather than on a council.

> The Committee adopted the redrafted text.

Article (89) 87

The extent of authority inherent in the General Assembly and assigned to the Trusteeship Council and the relationship between their joint functions was discussed at some length in defining the source of authority for the specific functions set forth in this Article. The discussion was related to the assignments described in Article (87) 85. It had been agreed not to put the material in Chapter IV, General Assembly. It was now proposed to add it to Article (87) 85 as paragraph 3 beginning it "in particular". Consideration of emphasizing the position of the General Assembly led to a review of previous debates and proposals to begin all three paragraphs of Article (87) 85 with "The General Assembly and the Trusteeship Council". "The General Assembly and under its authority the Trusteeship Council", or "The Trusteeship Council shall assist the General Assembly". The project of combining this Article with the general Article led only to the change recorded above in Article (87) 85, paragraph 2. At one time in the course of the discussion it was thought possible to make two paragraphs of Article (89) 87, the first ascribing functions to the Trusteeship Council and the second saying that "the General Assembly may itself exercise all these functions and powers". The Committee reached this decision, but upon the Secretary's reading it on the review of the changes in the galley, the debate was resumed. The Chairman pointed out that Committee II/4 intended to grant joint powers. The Committee went back to the original language of Committee II/4.

The Committee gave up the attempt to combine Article (89) 87 with Article (87) 85.

The Committee reverted to "The General Assembly, and under its authority the Trusteeship Council, in carrying out its functions" in lieu of its former text.

In subparagraph d the Committee read "the terms of the trusteeship agreements".

Mr. Jebb noted that the language permitted the General Assembly to make a visit to a trust territory; Mr. Pelt commented that the only deterrent to such a picnic was the condition of agreement with the administering authority.

Article (90) 88

It was proposed to begin this sentence with "in addition to" during the discussion on combining Article (89) 87 with Article (87) 85, but both ideas were given up when it was seen that the transfer would leave only this Article under the side heading "Functions and Powers".

Before leaving this group of Articles Mr. Robertson asked if there was not an ommission in not specifying assistance to the Security Council by the Trusteeship Council. In the ensuing discussion it was pointed out that the relationship between the two councils established by Article (85) 83, paragraph 3, was limited to strategic areas and did not extend to the trust territories. Mr. de Freitas Valle suggested as an article: "The Trusteeship Council may furnish information to the Security Council and shall assist the Security Council upon its request". The Chairman observed that there was a great desire to keep the Trusteeship Council and its affairs out of the field of the Security Council, which was why a general power given here would not be accurate. The proposal was given up.

Article (91) 89

The Committee read "shall be made" for "shall be taken".

CHAPTER XIV

Article (95) 93

The Committee read "upon the recommendation".

Article (96) 94

In paragraph 2 the Committee wrote "if it deems necessary".

Article (98) 96

The phrase "brought into relationship with it" was stricken from paragraph 2.

A discussion ensued as to the signification of "at any time", which Mr. Jebb first interpreted as meaning an application to the General Assembly every time an advisory opinion was wanted. Mr. Bailey said "at any time" was not in each case, with which Mr. Jebb agreed, adding that blanket authority could be given. Mr. Liang thought at any time meant each time. The Chairman read the original wording of the Technical Committee which was: "Such... as may at any time be authorized thereto by the General Assembly, may also request advisory opinions". The "which" construction of the Committee was regarded as neater than the "such... as" construction of the Technical Committee. Mr. Jebb preferred the Committee's draft, but was concerned about the diverse interpretations. This was resolved by concurrence with

Mr. Bailey's opinion that the Court had authority to give an advisory opinion if, at the time of a request, the specialized agency was so authorized, whatever the duration of that grant might be.

## CHAPTER XV

### Article (99) 97

Mr. Jebb called attention to the fact that a constituent clause was not necessary, since Article 7 had already established the Secretariat.

> The Committee recast to read: "The Secretariat shall comprise a Secretary-General"...

> The Committee read "upon the recommendation.".

It was decided to retain "a Secretary-General", though the use of "the" was debated.

### Article (101) 99

Mr. Bailey recalled the Committee's previous conclusion to say in this Article "matter which in his opinion threatens or might threaten international peace and security". The text read "might threaten" and Mr. Bailey thought it was absurd to prevent the Secretary-General from acting when in his opinion peace was actually threatened while allowing him to act in the presence of a potential threat. Mr. Golunsky said it was an unwritten rule not to interpret a rule of law so as to make it absurb. Mr. Jebb said an actual threat would come before the Security Council through other channels. Mr. Bailey said he raised the question because of the previous acceptance of the change. Mr. Jebb thought "threatens or might threat" was redundant. The Chairman observed that the Secretary-General would not know of a situation before the Security Council. The principal reason for the provision was to afford non-member states a channel through which they could bring their views to the attention of the Security Council. Mr. Pelt suggested the use of "may threaten," which was generally acceptable as a compromise.

> The Committee revised the final clause to read: "... opinion may threaten the maintenance of international peace and security".

Article (102) 100

Mr. Pelt said that loyalty of the staff to the Organization, which was here intended, was not adequately brought out in the stipulation of the first sentence that the staff should be "directly responsible to the Organization". The Technical Committee wishes to bring out both responsibility and loyalty. In the text under discussion the staff was responsible to the Organization rather than the Secretary-General. He proposed a redraft of paragraph 1, which appealed to the Committee. Mr. Darlington mentioned that loyalty was not used in the text.

The Committee recast paragraph 1 as follows:

"1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization."

The Committee read "Member of the United Nations" for "member of the Organization".

Article (103) 101

Mr. Pelt noted that the staffs referred to in paragraph 2 were not stipulated to be part of the Secretariat as was intended by the Technical Committees. Unless it was made definite and clear it would not be certain that the staffs permanently assigned to the Economic and Social and Trusteeship Councils were part of the Secretariat. He proposed to restore the missing sentence.

The Committee added to paragraph 2:

"These staffs shall form a part of the Secretariat".

## CHAPTER XVI

Articles (104-107) 102-105

The Committee discussed the question whether the Miscellaneous Provisions should embody any reference to the seat of the Organization or the seat of the Security Council. Mr. Golunsky, in reply to the Chairman, said the General Assembly had the power to determine the seat without a specific grant of authority in the Charter. Mr. Jebb pointed out that the document on Interim arrangements in paragraph 4 (g) provided that the Executive Committee and the Preparatory Commission should make recommendations concerning the location of permanent headquarters, so that the matter would be brought before the General Assembly.

## CHAPTER XVII

Mr. Gavrilovic suggested deleting "Security" from the title, but after discussion it was decided, on balance, that it was better to retain the title "Transitional Security Arrangements".

Shifting of the Chapter to follow the one on Amendments was discussed and rejected.

### Article (108) 106

> The comma following "Article (47) 43" was stricken out.
>
> The Committee read "United Nations" for "Organization".

### Article (109) 107

> A comma was inserted after "action".

## CHAPTER XVIII

### Article (110) 108

> "Organization" became "United Nations" in two instances.

### Article (111) 109

> "General Conference" was capitalized in paragraph 1.
>
> The Committee read "members of the General Assembly" in paragraph 1.
>
> The Committee read "Each Member of the United Nations" in paragraph 1.
>
> The Committee read "Each Member of the United Nations" in paragraph 1.

In its previous consideration of paragraph 2 the Committee had changed the word "alteration" to "modification", but had left "alteration" in Article (85) 83 on this last reading.

In paragraph 2 the Committee put "alteration" for "modification".

"Organization" became "United Nations" in paragraph 2.

In paragraph 3 "entry into force" was made "coming into force".

## CHAPTER XIX

### Article (112) 110

In paragraph 2 "elected" was corrected to "appointed".

Discussion of substituting "record" for "protocol" in paragraph 2 showed an uncertainty among members of the Committee as to the technical procedure envisaged. "Protocol" was retained because it had been particularly favored by the Advisory Committee of Jurists, and the sentence was somewhat recast.

The Committee read: "A protocol of the ratifications deposited shall thereupon be drawn up"...

In paragraph 4 the Committee inserted "original" between "become" and "Members" for conformity with Article 3.

### Article (113) 111

The Chairman mentioned the order of the languages which the Secretariat suggested should be: English, French, Chinese, Russian and Spanish, that is, with the two working languages first and the others in alphabetical order. Mr. Golunsky thought the straight alphabetical order should be maintained. Mr. Jebb commented that a different order might be used in each language, with each language named first in its own text. The conclusion of the Committee appeared only in Doc. 1159; CO/181.

The order of languages was agreed to as Chinese, English, French, Russian and Spanish.

(In Doc. 1191; G/128 and thereafter in the Charter the order is Chinese, French, Russian, English and Spanish. In the Interim arrangements document (Doc. 1165; ST 15 (1) and thereafter the order is English, French, Chinese, Russian and Spanish.)

The Committee read in the testimonium clause
"representatives of the Governments".

While the Preamble was under consideration, Mr. Robertson suggested that the full powers clause be incorporated in the testimonium clause, but the idea was not pursued.

## PREAMBLE

The Committee decided not to amend the text
received from Committee I/1.

The Committee discussed in this connection paragraph 8 where the construction was bad grammar. "By the employment of international machinery" was unattached, while the preceding "and", which had even been underlined by Committee I/1, added to the confusion. The Committee sought for a controlling infinitive, but concluded that no change could be explained, while making one change and not others could not be explained in view of the concern of Committee I/1 over its original text.

The Committee debated the proposal of the Advisory Committee of Jurists to follow the Preamble with a preliminary article as an establishment clause. To the Chairman's suggestion of putting the clause in the last paragraph of the Preamble, Mr. Golunsky replied that the Advisory Committee of Jurists was very keen about having a preliminary article. This was text A as discussed at the 35th meeting, when the Committee favored text C which was now before the Committee in this form:

"Accordingly, our respective governments, through representatives assembled at San Francisco, who have exhibited their full powers, found to be in due and good form, have agreed to the present Charter of the United Nations."

The Chairman suggested that this proposal disposed of the preliminary article because it was incongruous to agree to the Charter and then proceed to establish the Organization which the Charter sets up. Mr. Golunsky saw no objection to amalgamating the two ideas, and the Committee thereupon proceeded to agree upon the details of the language.

The Committee adopted the operative paragraph
of the Preamble in the following form:

"Accordingly, our respective governments, through representatives assembled in the City of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations."

## OTHER BUSINESS

During the course of the meeting, the Committee decided not to review the French text, which was not before it. The revisions being made in the English text were transmitted currently to the French Language Panel, which was in simultaneous session, and the finished French text was being reviewed by the Advisory Committee of Jurists. Both the English and French texts, in mimeograph, were to be ready for the Steering Committee at its meeting at 5 p.m., June 23.

The Committee charged the Secretariat with revision of the numbering of the Articles and the rechecking of cross references.

The Committee examined a paper hastily drafted by the Secretary, Mr. Darlington, containing material intended to be suitable for a report by the Coordination Committee to the Executive Committee (Steering Committee). After some examination of the paper, including how to record the views of individual members of the Committee, the Chairman proposed that they present no report because of the lack of proper time to prepare it. Some members thought members of their delegations might wish to speak about the Committee's work in the Steering Committee. There was an eventual consensus that, if called upon, the Chairman could make an oral statement to the Steering Committee. Messrs. Golunsky, Pelt and Robertson, in particular, held that it was desirable to have on record an explanation of the difficulties under which they worked, the nature of the compromises they had to seek on "sacred texts", and the standards to which they had tried to measure up. The Chairman said such a report should mention the Committee's necessity to organize the material from the Technical Committees with clarity and consistency into Articles and Chapters, to determine the intended meaning by themselves and by consultation with officers of the Technical Committees, and to work out a vocabulary of standardized terms, such as the use of "may" as expressive of power.

Mr. de Freitas Valle, for all, paid a tribute to the Chairman and the Secretariat, Mr. Pasvolsky thanked the members, who had all become colleagues in their common labors.

The meeting adjourned at 4:45 a.m., June 23.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 441 (ENGLISH)
CO/205
September 13, 1945.

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FORTY-FIRST MEETING OF COORDINATION COMMITTEE

Veterans Building, Room 223, June 23, 7:45 p.m.

The following members were present:

Australia -- K. H. Bailey
Brazil -- Cyro de Freitas Valle
Canada -- N. A. Robertson
Chile -- Germán Vergara
China -- Yuen-li Liang
Czechoslovakia -- Jan Papánek
France -- Jacques Fouques-Duparc
Iran -- Ali Akbar Siassi
Mexico -- Rafael de la Colina
Netherlands -- Adrian Pelt
U.S.S.R. -- S. A. Golunsky
United Kingdom -- H. M. G. Jebb
U. S. A. -- Leo Pasvolsky
Yugoslavia -- Stojan Gavrilovic

Also present was:

Caracciolo Parra-Pérez (Venezuela) Chairman of Commission IV

The Chairman, Mr. Pasvolsky, opened the meeting at 7:45 p.m.

The Committee met immediately after the adjournment of the 11th meeting of the Steering Committee (Doc. 1213; ST/23), which had unanimously approved the "Draft Charter of the United Nations as finally Approved in English by Both the Coordination Committee and the Advisory Committee of Jurists on June 22, 1945" (Doc. 1159; CO/181). The Steering Committee had also passed upon Doc. 1169; CO/182, "Changes in the Statute made by the Advisory Committee of Jurists and the Coordination Committee, June 22,1945" and Doc. 1165; ST 15 (1), "Interim arrangements concluded by the Governments represented at the United Nations Conference on International Organization", which embodied changes made by the Coordination Committee at its 39th meeting.

The Coordination Committee's present task was to reexamine the Charter and the other documents which had been unanimously approved by the Steering Committee, subject to its prior unanimous vote in the form of an instruction "to give the Coordination Committee authority to make any essential change in grammar and that it be instructed to make no change in substance". The delegates in the Steering Committee were privileged to hand in any suggestions they might have to the Coordination Committee before 8 p.m.

## THE CHARTER

The Committee had before it Doc. 1159; CC/181, which embodied the Preamble as it had left the Coordination Committee and the Advisory Committee of Jurists, and a revised text of the Preamble (unnumbered) which had been submitted by the President of Commission I, Mr. Rolin, to the Steering Committee and discussed by it.

### The Preamble.

The Steering Committee, after extensive debate of the proposed revision of the Preamble, unanimously voted "that the text of the original preamble be referred to the Coordination Committee to make grammatical and language corrections, without making any changes in substance, and that the Committee be given full authority to act without referring the matter back to the Steering Committee". The Committee re-examined the Preamble in accordance with this authority and instruction, and in the light of the debate in the Steering Committee.

The Committee made the following change:

> "to reaffirm our faith in fundamental human rights, in the dignity and ~~value~~ worth of the human person,..."

The Committee, in view of the debate in the Steering Committee, and of its instructions, rejected consideration of a proposal to read: "to establish conditions under which justice, respect for law and the pledged word can be maintained".

The Committee retained the phrase "with one another" in the clause "to practice tolerance and live together in peace with one another as good neighbors".

The Committee made the following change:

"to ensure, by the acceptance of principles and the institution of methods, ~~to insure~~ that armed force shall not be used, save in the common interest,"...

The Committee made the following change:

"~~by-the-employment-of~~ to employ international machinery for the promotion of the economic and social advancement of all peoples,"...

The Committee decided to set off "determined", "and for these ends" and "have resolved..."

Article 1

Mr. Siassi suggested that in paragraph 2 "self-determination of peoples" be rendered in French as "droit à disposer librement d'eux-mêmes". He said librement was included in the customary French rendering of the expression. That this was so was not confirmed by other members of the Committee after examination of some French texts, and Mr. Siassi was asked to take up the point with the Language Panel.

Article 18

The reference to "Article 88" was corrected to "Article 86".

Article 40

The reference to "Article 41" was corrected to Article 39".

Article 52

The reference in paragraph 4 to "Articles 33 and 34" was corrected to "Articles 34 and 35".

Article 88

The Committee reconsidered the distribution of functions and powers of the General Assembly and the Trusteeship Council with relation to the text of this Article.

The Committee struck out as unnecessary paragraph 2.

### Article 103

The President of Commission IV, Mr. Parra-Pérez, asked the Committee to restore the original language of Committee IV/2 in this Article for the reason that the present reading went beyond the thought and decision of Committee IV/2 so as to make a change of substance. Since the reading had emanated from the Advisory Committee of Jurists, Mr. Basdevant was invited by the Chairman to reply. The Jurist said that the language relating to obligations was more comprehensive than that originally chosen by Committee IV/2, but as the whole purpose of the Article was to ensure that the Charter prevailed over other obligations and that such overriding authority was a necessity, he did not regard the exact terms in which the lesser obligations were defined as particularly significant. On that basis of reasoning the present reading did not constitute a change of substance. Mr. Parra-Pérez said that there could be different views regarding this statement, and that Commission IV would feel happier if the original language were restored.

> The Committee substituted "their obligations under any other international agreement" for "any other international obligations to which they are subject".

### Article 110

The President of Commission IV, Mr. Parra-Pérez, questioned the changes in paragraph 3 of this Article by the Advisory Committee of Jurists and the Coordination Committee. The Chairman and other members of the Committee explained that the two additions were technically necessary and involved no change of substance. The original text of Committee IV/2 provided for the Charter coming into force for states which ratified it, but failed to specify when the Charter as an instrument was in force. Since the operation of the Organization as such and the general effect of the Charter's obligations depended upon that circumstance, the Committee had only inserted a required detail into the formula of Committee IV/2. The sentence concerning the protocol of deposit simply made provision for a customary formality. Mr. Parra-Pérez accepted these explanations and agreed to retention of the present reading.

### Article 111

The order of the enumerated languages was discussed. In Doc. 1159; CO/181 the order was alphabetical, while in the Interim Arrangements documents the working languages—English and French—were put first.

In the testimonium clause the Committee read "representatives of the Governments of the United Nations".

The Committee, before closing its meetings, undertook to continue its supervision over the text of the Charter and the other documents in their progress through the printing stages. Each member agreed to read proofs as they were pulled and to report their suggestions of corrections or refinements of the text to the Secretary for consolidation.

The changes made during this meeting were described in Doc. 1192; CO/185, and were incorporated in Doc. 1191; G/128, "Text of the Proposed Charter of the United Nations, including the Statute of the International Court of Justice", and Doc. 1190/ G/127, "Text of the Proposed Agreement establishing the Preparatory Commission of the United Nations", both printed. As there printed and unanimously approved at the 9th Plenary Session on June 25, those texts became the final texts, except for rectifications and improvement of punctuation or capitalizations.

The Committee ended its session at 9:25 p.m.

# ADVISORY COMMITTEE OF JURISTS, RECORDS OF MEETINGS

MEETINGS 1 - 22

MAY 29 - JUNE 22, 1945

*The United Nations Conference*
*on International Organization*

RESTRICTED
[illegible] 1 (ENGLISH)
CO/[illegible]
May 29, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR FIRST MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Fourth Floor, May 29, 1945, 3 p.m.

(1) Consideration of the first draft of the Skeleton Charter

In connection with its work the Advisory Committee of Jurists may wish to refer to certain of the Drafting Papers which have been considered by the Coordination Committee, and to which reference is made in the Skeleton Charter.

To date the following documents containing texts passed by the technical committees have been distributed to the Coordination Committee:

| | | | | | |
|---|---|---|---|---|---|
| CO/5, | Texts passed | through May | 17, | Drafting Papers | 1-8 |
| CO/8, | " " | " " | 19, | " " | 9-12 |
| CO/15, | " " | " " | 22, | " " | 13-19 |
| CO/17, | " " | " " | 24, | " " | 20-26 |
| CO/18, | " " | " " | 26, | " " | 27-39 |

*The United Nations Conference on International Organization*

RESTRICTED
WD 54 (ENGLISH)
CO/25
May 30, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FIRST MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room 428, May 29, 1945, 3:15 p.m.

### Members Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |
| Mexico | Alfonso García Robles |

The Chairman called upon the Secretary, Mr. Darlington, to explain to the Committee the work of the Coordination Committee. The Secretary stated that the Coordination Committee had been engaged in two principal tasks: the order and arrangement of the Charter, and the review of the texts submitted to it by the technical committees. The outline of the Charter as tentatively approved by the Coordination Committee was contained in Document CO/13. The Skeleton Charter given in CO/20 was based upon this outline. The texts received from the technical committees, together with suggested revisions thereof in Charter form made by the Secretariat, were contained in five documents, CO/5, CO/8, CO/15, CO/17, and CO/18. The Secretary suggested that the Committee might wish to start its discussion with the Charter outline and then take up certain questions referred to the Jurists by the Coordination Committee.

After some discussion on the proper place for the sentences establishing the Organization and the consequent change of the appropriate Chapter title it was decided to pass over this point until the Coordination Committee had submitted a definite text.

The Secretary explained that an effort had been made in preparing the outline to give the articles and chapters a more equal length than was to be found in the Dumbarton Oaks Proposals.

Mr. Golunsky proposed that the Jurists' Committee adopt, as a principle, short articles wherever possible. Sir William Malkin added that the Committee should adopt short sentences as well. Both points met with the approval of the Committee.

The Chairman suggested that Chapter XIII, Ratification and Amendments, should be placed at the end of the Charter. Sir William Malkin added the suggestion that Amendments precede Ratification in the title. The Committee agreed to both proposals.

With regard to chapter subheadings, the Committee agreed that they should be written in italics on the lefthand side of the page.

The Secretary placed before the Committee the first question referred to it by the Coordination Committee: whether in the title preceding Article 23 in the Skeleton Outline the word "Principal" should be retained or whether it should be replaced by "General". After considerable discussion the question was passed over until a later meeting.

The second question referred to the Committee of Jurists, the use of the words "hereby" or "in the Charter" in the first sentence of paragraph 1, Article 23, of the Outline, was then taken up. The Committee agreed that neither should be included.

The third question was the choice of the appropriate standard words to be inserted in the Charter where the words "agencies", "organizations", "organs", and "bodies" now occur. Professor Basdevant suggested that it was necessary to have at least two words: one for those bodies which are essential parts of the Organization, and the second for bodies brought into relationship with the Organization. Sir William Malkin thought that three words would be necessary since Organization referred to the United Nations Organization as a whole and, hence, should not be used again. After discussion the sense of the meeting seemed to be that the word "Organization" should be used for the Organization as a whole, that the word "organs" should be used for the parts of the Organization, and that the words "institutions" or "agencies" should be used for the bodies brought into relation with the Organization.

The Secretary called the attention of the Committee to the procedure to be followed in the consideration of the texts of the Charter in the five official languages. Mr. Golunsky felt that the Committee should do its drafting work only with the English and French texts. On the Spanish, Chinese, and Russian texts, experts from the delegations concerned might work with the translators of the Secretariat; the representatives of these three languages on the Jurists Committee would do what they could to improve the texts in their languages but could not assume final responsibility. Sir William Malkin thought that difficulties in translation into any of these languages should be brought out in the Jurists Committee and discussed. Dr. Hsu stated that the Chinese translation would have to be examined by his Government before it could be binding upon it. The Chairman indicated that the texts in the five languages would be examined for their adequacy from the juridical point of view.

In reply to a question of the Secretary as to the possibility of inviting other jurists to meetings of the Committee, it was decided by the Committee to limit attendance to its own members in the interest of expediting its work. The meeting adjourned at 5:40 p.m., until further notice.

*The United Nations Conference*
*on International Organization*

RESTRICTED
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CO/[illegible]
May 31, 1945

# COORDINATION COMMITTEE

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## AGENDA FOR SECOND MEETING OF

## THE ADVISORY COMMITTEE OF JURISTS

Opera House. Room 418 May 31, 1945, 2:30 p.m.

(1) Consideration of certain articles in the Skeleton Charter (document CO/20) which have received a certain measure of provisional approval by the Coordination Committee in substantially the form given in document CO/20. These articles are the following:

Article 10 in the Skeleton Charter (document CO/20) (Counterpart of Article 9 in Drafting Paper 29)

Article 16 in the Skeleton Charter (Counterpart of Article 15 in Drafting Paper 21)

Article 22 in the Skeleton Charter (Counterpart of Article 21 in Drafting Paper 14)

Article 29 in the Skeleton Charter (Counterpart of Article 28 in Drafting Paper 16)

Article 30 in the Skeleton Charter (Counterpart of Article 29 in Drafting Paper 16)

Article 31 in the Skeleton Charter (Counterpart of Article 30 in Drafting Paper 16)

Article 52 in the Skeleton Charter
(Counterpart of new Section D in Drafting Paper 24)
(Note: The Advisory Committee of Jurists was asked by the Coordination Committee to consider where this Article might best be placed.)

Article 5[illegible] in the Skeleton Charter
(Counterpart of Article 5[illegible] in Drafting Paper [illegible]

Article 55 in the Skeleton Charter
(Counterpart of Article 53 in Drafting Paper 25)

Article 75 in the Skeleton Charter
(Counterpart of the new article, on a subject not included in the Dumbarton Oaks Proposals, contained in Drafting Paper 12)

(2) Redrafts of certain other articles in the Skeleton Charter will be presented to the Committee at the meeting.

(3) Question as to whether the Statute of the International Court of Justice should be signed separately at the time of signing the Charter.

RESTRICTED
WD 65 (ENGLISH)
CO/31
June 1, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SECOND MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 418, May 31, 1945, 2:40 p.m.

### Members Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |
| Mexico | Alfanso García Robles |

The Secretary announced that loose-leaf binders would be prepared for each member of the Jurists and Coordination Committees with a separate page for each article, giving the respective texts of the Technical Committee, the Coordination Committee, and the Jurists Committee. He also stated that provisional texts of the Skeleton Charter (CO/20) were now available in Russian, Chinese, and Spanish.

It was agreed to proceed with the consideration of articles in the Skeleton Charter which have received provisional approval by the Coordination Committee.

### Article 10 in the Skeleton Charter

Sir William Malkin suggested that it might be more correct to speak of "representatives of members of the Organization", as in the League Covenant, than "members of the Organization." It was pointed out that both the Coordination Committee, in discussing Article 22, and the Technical Committee, in discussing the present article, had agreed that it was the states as juristic persons who are members of the Organization, rather than their representatives. Mr. Golunsky felt that the introduction of the concept of permanent members made this distinction essential.

It was agreed to give provisional approval to Article 10, with the second "of" omitted, and to follow the same style when referring to "members" in other parts of the Charter.

3034

## Article 16 in the Skeleton Charter

Mr. Golunsky referred to the previous discussion on the appropriate usage of "Organization," "organs," and "institutions" or "agencies." It was further agreed to use "agencies" in the English text and "institutions" in the French when speaking of the third category.

After some discussion of a suggestion by Mr. Hackworth that the words "to them" be substituted for the words "to the agencies concerned" in paragraph 2, it was agreed to retain the original language, and to omit the words "organizations or" in accordance with the decision on paragraph 1.

Paragraph 1 was then amended to read:

> "The General Assembly shall make recommendations for coordinating the policies of international economic, social, cultural, educational, health, and other specialized agencies brought into relationship with the Organization in accordance with agreements made between it and such agencies."

Article 16 was approved as amended.

## Article 22 in the Skeleton Charter

Sir William Malkin pointed out that the drafting of the first sentence of paragraph 1 was deficient in that "members" referred to the members of the Security Council rather than to the members of the Organization. On motion by M. Basdevant, it was agreed to put a period after "Organization" and to delete the remainder of the sentence.

On motion by Mr. Golunsky, it was agreed to insert the words "of the Security Council" at the end of the second sentence; at Sir William Malkin's suggestion, the word "the" preceding "nonpermanent members" was eliminated from the third sentence.

It was suggested that the words "French Republic" be inserted instead of "France" in the second sentence.. No decision was taken, pending further consideration by the French Delegation.

The Committee accepted a further suggestion by Sir William Malkin to make the last sentence of paragraph 1 a separate paragraph, to be numbered 3.

It was further agreed that the words "member" was not to be capitalized in this article nor at any place in the Charter.

Sir William Malkin questioned the meaning of the word "immediate" as used in paragraph 2. Mr. Hackworth stated that there might be a case in which a retiring member could fill a seat left vacant, so long as there was some lapse in his service, but that in general a state would have to wait two years before serving again. Mr. Golunsky stated that the intent was to avoid giving certain Council members what amounted to semi-permanent status, as had been done in the League.

Sir William Malkin questioned the interpretation of the phrase "due regard being especially paid in the first instance" in the second sentence of paragraph 1, and suggested that the words "in the second instance" might be inserted after the word "also" if that were the intent. In view of the lack of clarity, he proposed further that the question be referred back to the Coordinating Committee. Mr. Golunsky opposed a change in this sentence, and also opposed reference to the Coordinating Committee. He indicated agreement with the interpretation previously given by Sir Alexander Cadogan in the Technical Committee.

Article 22 was approved as amended.

Article 29 of the Skeleton Charter

On suggestions by Mr. Hackworth and Mr. Golunsky, it was agreed to amend paragraph 1 so as to read:

> "The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the headquarters of the Organization."

After considerable discussion of a suggestion by Mr. Hsu Mo to delete the phrase "if it so desires" from paragraph 2, it was agreed that the phrase should be retained for purposes of clarity, particularly in translating to other languages.

Mr. Golunsky suggested that the last sentence of paragraph 2 should be made a separate paragraph. After considerable discussion of where it should be placed, the Committee agreed that it should become paragraph 3, in order to make it clear that it would apply to both of the preceding paragraphs.

Article 29 was approved as amended.

Article 30 of the Skeleton Charter

Article 30 was approved with the words "subsidiary organs" substituted for the words "bodies or agencies".

3034

### Article 31 of the Skeleton Charter

After several attempts to redraft Article 31 so as to make it clear that the rules of procedure of the Security Council shall govern the method of selecting its President, as well as other matters, the Committee agreed to leave the article as it is.

Article 31 was approved without change.

### Article 52 of the Skeleton Charter

The Committee agreed that the language "Nothing in this Charter," as used in Article 52, should be employed consistently in other articles.

Sir William Malkin suggested that the words "of the Organization" be substituted for the word "state" in the first sentence. The Secretary agreed to submit this suggestion orally to the Coordination Committee.

Sir William also suggested replacing the word "maintain" in the first sentence by the word "restore" and inserting a comma in the second sentence between "Security Council" and "and." Messrs. Golunsky and Hackworth emphasized that this article had been agreed on with much difficulty, and should be left so far as possible unchanged.

The question of the location of Article 52 in the Charter was discussed. Mr. Golunsky and Sir William Malkin agreed that although developed as part of a formula relating to regional arrangements, the application of this article was not confined to the Act of Chapultepec, but extended also to agreements such as the Anglo-Soviet and Franco-Soviet pacts which were clearly not regional arrangements. Mr. Dawson, the Secretary of the Technical Committee (III/4) explained that the Committee's vote to make this article a new Section D of Chapter VIII (Dumbarton Oaks Proposals) was due in part to avoid any problem of jurisdictional conflict.

The Committee agreed that Article 52 should be left at or near the end of Chapter VII of the Skeleton Charter at least for the time being.

Article 52 was approved without change.

### Article 53 of the Skeleton Charter

After considering the request of the Coordination Committee that more appropriate language be found for the phrase "Nothing precludes the existence of," the Committee agreed to leave the first sentence unchanged except for the insertion of "that" after "provided."

The Committee accepted the Secretary's suggestion that references to arrangements should consistently precede references to agencies; they accepted a further suggestion by Sir William Malkin that the word "constituting" be substituted for "comprising." The second sentence was accordingly amended to read:

> "The members of the Organization entering into such arrangements or constituting such agencies shall make every effort to achieve peaceful settlement of local disputes through such arrangements or agencies before referring them to the Security Council."

Mr. Golunsky requested an explanation of the meaning of the word "arrangements" which, he stated, could be translated into Russian in several different ways. Mr. Hackworth expressed the view that, in this instance, the word "arrangements" referred to the Act of Chapultepec, and was therefore equivalent to "agreement."

Sir William Malkin questioned the consistency of Article 53 with Article 34 and felt that the Coordination Committee should consider this matter. It was later pointed out that paragraph 2 of Article 53 specifically states that the latter article in no way impairs the application of Articles 34 and 35. The Committee agreed to leave paragraph 2 unchanged for the time being, and to reexamine it after the final texts of Articles 34 and 35 are available. Mr. Dawson, the Secretary of the Technical Committee (III/4), explained that that Committee had also reserved the right to reconsider Article 53 should any change be made in the Dumbarton Oaks texts of the other two articles. Mr. Golunsky suggested that the question of impairing the application of other articles was also involved, and would require reexamination.

Article 53 was approved as amended.

Article 55 of the Skeleton Charter

Article 55 was approved without change.

Article 75 of the Skeleton Charter

The Committee accepted Mr. Golunsky's suggestion that the three paragraphs be numbered "1, 2, and 3" instead of "1 (a), 1 (b), and 2." A further suggestion by Sir William Malkin that the words "the foregoing provisions" in paragraph 3 to be replaced by "paragraphs 1 and 2 of this article" was also accepted.

Article 75 was approved as amended.

## Redrafts of Other Articles in the Skeleton Charter

The Secretary stated that no other redrafts were presently available.

## SIGNATURE OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

The question was raised as to whether the Statute of the International Court of Justice should be signed separately at the time of signing the Charter. Mr. Golunsky commented that this was related to another very important question: the manner in which later members would be admitted into the Organization. Mr. Hackworth stated that such members would not sign the original Charter. Mr. Hsu Mo expressed the view that they would deposit separate instruments of ratification.

So far as the Court Statute is concerned, the Committee felt that the question is governed by the terms of Article 60, which refers to "the annexed Statute which forms an integral part of this Charter." It was therefore agreed that the Court Statute would not be signed separately, but would be annexed and bound together with the Charter under the title, "Statute of the International Court of Justice."

## Name or Title of Organization

The Secretary referred to the fact that Subcommittee I/1/A, with the consent of the Chairman of Committee I/1, had referred to the Executive Committee a list of possible names for the Organization. Copies of this list were distributed, and the views of the Committee sought.

Mr. Golunsky favored retaining the name "United Nations," as did Mr. Hackworth and Mr. Hsu Mo. Sir William Malkin referred to the problem of using the title throughout the Charter in place of the word "Organization," and it was agreed to ask the Secretary to investigate the extent to which this might be done. The further suggestion was made that the term "The United Nations" might be employed, but opinion was divided as to its desirability. It was agreed that, in either case, a plural verb might be employed.

The Committee adjourned at 5:25 p.m., subject to call.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 2[illegible] (ENGLISH)
CO/96
June 6, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRD MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 418, June 5, 1945, 3:40 p.m.

### Members Present

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|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |
| Mexico | Alfonso García Robles |

The Secretary, Mr. Darlington, drew to the attention of the members of the Committee the loose-leaf binders containing each article, and giving the respective texts of the technical committee, the Coordination Committee, and the Jurists Committee.

It was agreed that the Committee would proceed to its second reading of each chapter of the Charter after the chapter had been resubmitted to it by the Coordination Committee, and that it might complete its third meeting when it had before it the whole Charter.

The Secretary announced that the Statute of the International Court of Justice would be submitted as a whole to the Coordination Committee for such action as the Committee proposed and that subsequently it would be submitted to the Jurists Committee.

The Secretary pointed out that any new article inserted between consecutively numbered articles would be numbered by the addition of "X" and a second article by "Y" to the number of the preceding article.

Article 3

The Secretary explained that the alternative Article 3 had been suggested to the Coordination Committee by Mr. Robertson, but that since some members of that Committee were uncertain as to its adequacy, it had been referred to the Advisory Committee of Jurists. He pointed out that the question was whether states which signed and ratified the Charter before the Charter came into force in accordance with Article 69 would be members of the Organization. It was agreed that this was not a serious objection, since it was obvious that there could be no members of the Organization until the Organization itself came into existence.

Sir William Malkin raised the question whether states which signed the Charter but which ratified it after it came into force would be original members. Mr. Golunsky replied that they would be original members, but he suggested that provision should be made for a time limit during which a signatory state must ratify the Charter in order to become an original member. Otherwise, he contended, a state might delay ratification until internal conditions had changed, perhaps involving the establishment of a fascist government. Yet under the present provisions, the state could still ratify the Charter and become a member of the Organization. He declared that he did not wish to press the matter but that it should be discussed at the Conference. The Chairman stated that the question would be left to the Coordination Committee for its decision.

Mr. Hsu Mo suggested that signatory states which ratified the Charter before it came into force might feel that other signatory states which ratified subsequently should be considered as having a separate status. It was agreed that the alternative Article 3 made better provision for this situation than did Article 3.

Alternative Article 3 was approved.

In the course of discussion on Article 3, it was pointed out that Article 4 does not apply to original members. Sir William Malkin suggested, and the Committee agreed, that the Article be altered to read, "Membership in the Organization is open to all other peace-loving States", etc.

Article 5

There was general agreement that Article 5 is not clear as to when an applicant becomes a member of the Organization. Mr. Golunsky pointed out that two courses are open: (1) the government of a state may apply for membership, such membership may be voted by the General Assembly upon recommendation of the Security Council, and then the government of the state may seek ratification by its parliament; or (2) the government may secure ratification by its parliament before it applies to the Organization for membership. If the first course is followed, the parliament of a state might place the Organization in the embarrassing position of refusing ratification of admission which had already been approved by the General Assembly.

Sir William Malkin and Mr. Golunsky declared that it should be made plain that admission to membership does not depend upon action by a state subsequent to the affirmative vote of the General Assembly.

Mr. Hackworth stated that ratification by a state should precede its application for membership, and that when the General Assembly votes approval, the state should enter the Organization immediately. He suggested that the provision of Article 4 that membership is open to states which are ready and able, etc. covers this situation. The General Assembly, he pointed out, would not admit a state unless the parliament of that state had already ratified membership according to its constitutional processes.

At the opening of the meeting, the Secretary explained that Article 4 was being referred to Committee I/2 upon the instructions of the Coordination Committee and that accordingly this article was not now before the Advisory Committee. The members of the Committee felt, however, that Articles 3, 4, and 5 were so closely related that discussion of Article 4 could not be altogether avoided at this time.

Mr. Basdevant suggested that if Article 5 were altered to the effect that the admission of new members is decided by the General Assembly upon the recommendation of the Security Council, it would be quite clear that the action by the General Assembly was final.

Mr. García Robles proposed that Article 4 be altered to provide for admission of states which according to their internal legislation are able and ready, etc. Mr. Hsu Mo suggested that the Security Council and the General Assembly would be competent to determine in each case if a state was fully prepared, according to its constitutional processes, to enter upon membership.

It was suggested by several members that Article 4 be altered to make it plain that a state which had applied for membership would not be considered to be able and ready to carry out the obligations of membership unless it had completed all requirements of its own constitutional processes for admission. It was agreed that a phrase to this effect would be inserted in Article 4.

Mr. Golunsky stated that Article 5 might contain two paragraphs, the first providing that application for membership could be made when a state in accordance with its constitutional processes had taken all steps necessary for admission, and second, that a state would be admitted by the General Assembly upon the recommendation of the Security Council. It was pointed out that the first of these two paragraphs might be covered in Article 4.

Mr. Hackworth suggested that Articles 4 and 5 might be combined to form a single article with two paragraphs. Mr. Basdevant pointed out that the present sequence of Articles 3, 4, and 5 is logical, since 3 deals with the original members, 4 deals with the conditions for admission of new members, and 5 with the procedure for admission of new members.

Several revisions of Article 5 were suggested by members of the Committee. After some discussion the Committee reached tentative agreement on the following draft:

> "The admission of such states shall be effected by a decision of the General Assembly upon the recommendation of the Security Council."

It was agreed that at its next meeting the Committee would give further consideration to this draft of Article 5.

At the close of the meeting the Secretary read the texts as tentatively agreed to by the Committee as follows:

### Article 3

The original members of the Organization shall be the states which sign and ratify this Charter.

### Article 4

1. Membership in the Organization is open to all other peace-loving states which, in conformity with their constitutional processes, indicate that they are ready to accept the obligations contained in the Charter and which, in the judgment of the Organization, are able and willing to carry them out.

2. The admission of such states shall be effected by a decision of the General Assembly upon the recommendation of the Security Council.

The meeting adjourned at 5:15 p.m.

3792

*The United Nations Conference on International Organization*

RESTRICTED
WD 268 (ENGLISH)
CO/110
June 10, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FOURTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 418, June 9, 1945, 3:40 p.m.

### Members Present

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|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |
| Mexico | Alfonso García Robles |

### Articles 3, 4, 5

The Secretary, Mr. Darlington, presented for the consideration of the Committee draft texts of Articles 3 and 4, as tentatively revised by the Advisory Committee of Jurists at its third meeting on June 4, and additional drafts prepared by the Secretariat. The draft text of Article 4 in the Jurists text included as paragraph 2 the substance of Article 5.

### Article 3

In order to make more explicit the term "original members" (of the United Nations) the phrase "named in the Preamble" was inserted following "states".

For reasons of style, the phrase "the present" was substituted for "this", preceding the word "Charter". "United Nations" was substituted for "Organization".

It was agreed that the phrase "the present Charter" should be used consistently throughout the document and that wherever possible, the name "United Nations" should be used instead of "Organization". The Committee considered that in French, Spanish, and Russian, however, the plural form of the name would confuse the meaning of the context in certain instances and that it would therefore be necessary either to retain the term "Organization" or use a phrase such as "The Organization of the United Nations" in the translations.

## Article 4

Article 4 was approved as drafted by the Secretariat.

## Listing of States in the Preamble

In conformity with the intent of Article 3 as amended by the Committee, it was agreed to list the states attending the Conference in alphabetical order at the head of the document, directly following the title, "The Charter of The United Nations", and the opening phrase of the Preamble, "We the Peoples of--".

## First Reference to "The United Nations" In the Charter

The Committee considered that it was essential to state at the beginning of the document that (1) the Organization was established; (2) the organization's name was "The United Nations"; and (3) this document was the Charter of the Organization. To this end, it was agreed that the Preamble should be followed by "a Preliminary Article" (unnumbered), to read as follows:

> "There is hereby established an international organization to be known as The United Nations."

It was also agreed that, except in the title of the document, the "T" in the article in the name "The United Nations" should nowhere be capitalized.

## Article 7

Paragraph 2 of Article 7 was considered in relation to Article 22 and Article 32, concerning the competency of the General Assembly and the Security Council to establish subsidiary organs. In order to harmonize Article 7 with Articles 22 and 32, paragraph 2 was amended to read:

> "Such subsidiary organs as may be found necessary may be established in accordance with the present Charter."

## Article 8

The substance of Article 8 was included in Article 7.

Article 9

The Secretary explained that Article 9, as presented in the draft text of Committee I/1, was the result of lengthy and complicated consideration by both the Technical Committee and the Coordination Committee. It was the sense of the Jurists Committee that the intent of the Article, as clarified in the discussions held in the Technical Committee, was not clearly expressed in any of the four drafts before them. The Article was redrafted to read as follows:

> "The Organization shall not discriminate between men and women as regards eligibility for representation and participation in any of its organs."

Article 13

The Committee agreed that the phrase "shall be borne" should be retained in order to provide a clear statement of the obligation of each nation to pay its contribution to the maintenance of the Organization. In the sixth line, "the Organization" was replaced by the word "it".

Article 15

Objection was raised to the use of the term "violation" in relation (1) to the "Purposes" of Chapter I and (2) to the "Principles" of Chapter II, to the exclusion of principles which might be implied elsewhere in the Charter. The Committee agreed to strike out the words following "situations resulting from" and to substitute in their stead "actions contrary to the Purposes or Principles set forth in the present Charter".

It was also agreed to replace "nations", line 6, by "states".

Article 16

The Committee substituted the words "United Nations" for "Organization" in the fourth line. With this change the Article was approved.

Article 18

It was agreed to substitute "United Nations" for "Organization" in paragraph 1, line 1.

It was also agreed to strike out the phrase "in question", in the last line.

### Article 19

The Delegate of the United Kingdom objected that the Article failed to enunciate in clear and broad terms what "important" questions would require a two-thirds vote of the Assembly. He agreed to present a draft text at the next meeting for the Committee's consideration.

### Article 20

Article 20 was approved, with the substitution in the last line of "United Nations" for "Organization".

### Article 21

Article 21 was approved without changes.

### Article 22

Article 22 was approved with the following changes:

> "establish" was substituted for "create";
> "subsidiary organs" was substituted for
> "bodies and agencies".

### Article 32

This Article was amended to conform with Article 22 and now reads as follows:

> "The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions."

The meeting adjourned at 6:30 p.m.

*The United Nations Conference on International Organization*

RESTRICTED
WD 270 (ENGLISH)
CO/111
June 1[illegible] 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FIFTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 418, June 11, 1945, 6:30 p.m.

### Members Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |
| Mexico | Roberto Córdova |

Because the Statute of the International Court of Justice had not been received early enough by the members, it was decided to postpone consideration of this subject until the next meeting.

The Committee then proceeded to take up a revised statement of the Articles as revised by the Secretariat relating to the Court of International Justice, Chapter X of the Dumbarton Oaks Proposals, and Articles 64 to 68 of the Coordination Committee's Draft Charter.

### Article 64

The Committee decided to combine Articles 64 and 65 of the draft Articles prepared by the Secretariat. As finally approved, the new Article reads as follows:

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

### Article 65

This Article, which formerly appeared separately as Articles 67 and 68 of the Coordination Committee's draft text was combined into a single Article. No further changes were made.

### Article 66

The Committee agreed with the Secretariat's suggestion to combine the former Articles 65X and 65Y to form a new Article 66. In addition, paragraph 2 of the new Article was redrafted to read as follows:

2. In the event that any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council which may, if it deems it necessary, make recommendations or decide measures to be taken to give effect to the judgment.

In view of the fact that this Article confers upon the Security Council certain functions of a substantive character, the Committee of Jurists directed the Secretary to refer this text to Committee III/2 for its attention.

### Article 67

This Article, slightly modified by the Secretariat, was approved as submitted by the Secretariat with one slight change. The new Article reads as follows:

Nothing in this Charter shall prevent members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

### Article 68

The former Articles 68X and 68Y as combined in Article 68, were approved by the Committee following certain changes in the second paragraph. The whole new Article now reads as follows:

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies brought into relationship with it, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

The meeting adjourned at 8:30 p.m., the next meeting to be held at 1:30 p.m., June 12.

*The United Nations Conference on International Organization*

RESTRICTED
WD 286 (ENGLISH)
CO/115
June 13, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SIXTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 418, June 12, 1945, 1:30 p.m.

### Members Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |
| Mexico | Roberto Córdova |

The Committee first considered the draft of Chapter X prepared by the Secretariat incorporating the recommendations of the Committee at its previous meeting. In a reading of the Chapter it was decided in Article 66, paragraph 2, to change "cases" to "case"; to insert a comma before "which" in line 4 of the same paragraph; and to change "decision" to "decisions" in line 2 of paragraph 1. In Article 67, "present" was inserted before "charter".

## STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

The Statute was examined by the Committee for drafting points, and in the course of its deliberations the following changes were made:

It was decided to write "The United Nations" as "the United Nations" wherever it occurs in the Statute except at the beginning of a sentence.

### Article 1

"Chapter VII of" in line 2 and "following" in line 4 were eliminated, and "of the present Statute" was added to the end of the Article.

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Article 3

In paragraph 2, line 1, "of" was changed to "in"; in line 2, "under this Statute" was eliminated, and "that state or member" was changed to "the one".

Article 4

In paragraph 2, lines 2 and 3, "the lists of" was eliminated; "drawn up" was changed to "nominated". In paragraph 3, "has accepted" was changed to "is a party to"; in line 2, "present" was inserted before "Statute", and "of the Court" was eliminated. In line 5, "on the proposal" was changed to "upon recommendation".

Article 10

Mr. Golunsky stated that this article should be reserved until Committee III/1 had reported and until questions regarding voting procedure had been settled. This was agreed to.

Article 21

In paragraph 2, "it" was changed to "The Court".

Article 22

In paragraph 1, line 4, "Court" was changed to "it". In paragraph 2, "the" was inserted before "Registrar".

Article 23

In paragraph 3, line 2, "regular" was eliminated.

Article 24

In paragraph 2, line 2, "on" was changed to "in".

Article 25

In paragraph 1, "in the present Statute" was added to the end of the sentence. In paragraph 2, line 3, "the" was inserted before "Court". In paragraph 3, "Provided always that" was eliminated.

Article 27

In line 2, "a judgment" was removed and "considered as" substituted.

### Article 29

In line 1, "dispatch" was changed to "despatch".

### Article 31

In paragraph 1, "contesting" was removed. In paragraph 3, "contesting" was removed and "article" was changed to "Article". In paragraph 4, last line, "appointed" was changed to "chosen".

### Article 32

In paragraph 4, "appointed" was changed to "chosen", and "indemnities" was changed to "compensation". In paragraph 5, "indemnities" was changed to "compensation". In paragraph 8, "indemnities and" was stricken out and "and compensation" inserted after "allowances".

### Article 36

In paragraph 4, "This declaration" was changed to "Such declarations", and in line 2, "a copy" was changed to "copy". In paragraph 5, "during" was eliminated.

### Article 37

The words "between the parties to this Statute" in lines 1 and 2 were eliminated; the words "established by the Protocol of December 16, 1920, amended September 14, 1929" were eliminated; and the words "as between parties to the present Statute" were inserted after "shall" in line 6.

### Article 40

In paragraph 1, line 4, "contesting" was eliminated. In paragraph 3, line 2, after "Secretary-General" a comma was inserted.

### Article 41

In paragraph 2, line 2, the word "to" was inserted after "and".

### Article 42

Paragraph 3, line 1, was changed to read as follows: "The agents, counsel and advocates before parties of the Court".

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## Article 54

In paragraph 1, line 2, the words "advocates, and" were eliminated, and "and advocates" inserted after "counsel".

## Article 65

In paragraph 2, line 3, the words "which shall" were removed, and the word "contain" was changed to "containing". In lines 4 and 5, the words "shall be" were eliminated.

## Article 69

The words "The framing and bringing into force of" were eliminated; "upon recommendation of the Security Council" was inserted in line 5 after "Assembly"; the words "which are" were inserted after "states" in line 6; and "are" was inserted after "but" in line 6.

## Article 70

In line 4, "their" was eliminated and "conformably" was changed to "in conformity". In line 5, "preceding article" was changed to "Article 69".

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*The United Nations Conference on International Organization*

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WD 290 (ENGLISH)
CO/118
June 13, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SEVENTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 418, June 13, 1945, 1:30 p.m.

### Members Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |

The Committee continued its examination of the various articles in the Coordination Committee's draft charter.

### Article 74

Line 2, change "Organization" to "United Nations", and in line 3 change "this" to "the present".

### Article 75

Line 5, change "Organization" to "United Nations".

### Article 76

Line 3, eliminate "their obligations under"; line 4, substitute "obligations to which they are subject" for "treaty or agreement".

### Article 77X

Line 1, change "Organization" to "United Nations".

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Article 78

Line 1, paragraph 1, change "Organization" to "United Nations". Line 2, paragraph 2, change "Organization" to "United Nations" at the beginning of the line. Line 5, paragraph 3, change "Organization" to "United Nations".

Article 82

Line 1, paragraph 2, change "ratification" to "ratifications". Line 2, paragraph 3, eliminate "a" and substitute "membership" for "seat". Line 3, paragraph 3, change "on" to "in", and in line 4, paragraph 3, strike out the words "following states" and substitute the following clause: "a protocol of such deposits will be drawn up and the Charter will come into force for the said states on the date of such protocol". In line 1, paragraph 4, insert "present" before "Charter".

Article 19

Text, as revised by Coordination Committee, Document CO/52 (2), passed by the Committee of Jurists.

Article 43

The Secretary placed before the Committee a number of questions raised by the Coordination Committee in its meeting of June 9. Further discussion of this article was postponed until the next meeting.

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*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 349 (ENGLISH)
CO/137
June 15, 1945

# COORDINATION COMMITTEE

## SUMMARY REPORT OF EIGHTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 418, June 14, 1945, 1:30 p.m.

### Members Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| France | Jules Basdevant |
| Union of Soviet Socialist Republics | S. A. Golunsky |
| United Kingdom | Sir William Malkin |

### Article 82

The Committee considered the amendments to its previous draft of this Article made by the Coordination Committee and approved the following form of words for paragraphs 3 and 4 of the Article which were submitted by Professor Basdevant:

"3. The present Charter shall come into force upon the deposit of ratifications by the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and France, and by a majority of the other signatory states. A protocol of such deposit shall be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

"4. The states signatory to the present Charter which ratify it subsequently will become members of the United Nations on the date of the deposit of their respective ratifications."

### Statute of the Court

A number of suggested amendments to the Statute of the

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Court submitted by the Canadian Delegation were not considered on the grounds that the present text was the result of long and careful consideration and to take up suggestions at this point would result in the reopening of controversial issues now settled.

### Article 43

The Committee adopted several drafting changes in this Article which now reads as follows:

"1. The Security Council shall determine the existence of any threat to peace, breach of the peace or act of aggression, and shall make recommendations or decide what measures, set forth in Articles 45 and 46 shall be taken to maintain or restore international peace and security."

### Article 44

This was approved with the insertion of the word "international" after "restoration of" and before "peace" - end of line 2. white text.

It was agreed that the Coordination Committee should be advised that the change proposed by the Canadian Delegation, for insertion at the beginning of this Article, would constitute a change in substance requiring re-submission to the Technical Committee.

### Article 45

The following changes were made in this Article: In the third line "are to" was changed to "should"; in line 4 "it" was stricken out; in line 5 the second "such" was changed to "these".

### Article 46

This Article was approved with the following changes: At the end of the first line add "provided for in"; in the second line strike out "under the preceding" and insert "45" after "Article"; in line 8 change "Organization" to "United Nations".

### Article 47

This Article was approved by the Committee of Jurists with the following changes: In line 1, strike out "In order that" and change "Organization" to "United Nations"; line 2 strike out "may" and substitute "in order to"; line 3 strike out "they"; line 7 insert comma after "passage".

Paragraph part of Article 47 in answer to the question raised in the note appearing at the bottom of the page the

Jurists believed that if the Charter says that the Security Council *may* do something it thereby receives the legal status necessary to perform such an act.

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*The United Nations Conference on International Organization*

RESTRICTED
WD 386 (ENGLISH)
CO/158
June 18, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF NINTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 16, 1945, 10:30 a.m.

**Members present:**

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. B. Krylov |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |

### CHAPTER II - MEMBERSHIP (Doc. WD 315, CO/127)

The Committee approved Articles 3, 4, and 5 in both English and French.

### CHAPTER III - ORGANS (Doc. WD 316, CO/128)

The Committee approved Articles 7 and 8 in the English text without alteration and the French text with minor drafting changes designed to make the two texts comparable. Since Article 7 contained the first instance of numbered paragraphs, the question was raised whether the final text should contain paragraph numbers in parentheses. It was pointed out that the absence of such numbering made citations more difficult. It was decided that the attention of the Coordination Committee should be called to this point.

### CHAPTER I - PURPOSES AND PRINCIPLES (Doc. WD 354, CO/141)

The Committee examined and approved Articles 1 and 2 and approved the English and French texts with slight changes in phraseology designed to render the meaning the same in both languages.

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## CHAPTER IV - GENERAL ASSEMBLY (Doc. WD 336, CO/133)

The Committee approved Articles 10 to 12. The opening paragraph in Article 12 was rearranged as follows: "1. Without limiting the generality of Article 11 the General Assembly may in particular:"

## COORDINATION COMMITTEE DISCUSSION OF MEMBERSHIP AND RATIFICATIONS

A report was received from a meeting then in progress of the Coordination Committee, that the whole question of an article listing the membership of the United Nations was again under discussion. The present thought in the Coordination Committee favored a new Article 3, which will be so phrased as to furnish some identification of the original members of the United Nations. The Coordination Committee wished to have the views of the Advisory Committee of Jurists as to whether a list of members should appear in the text or in an annex. The view was expressed that there should be an alphabetical list at the end of the Charter, and that an article should say that a state which had not signed the Charter might adhere later by an instrument of adherence. It was agreed that the Committee of Jurists would report to the Coordination Committee on this subject.

The Committee adjourned at 1:30 p.m., to meet again at 3:30 p.m on Sunday, June 17, 1945.

*The United Nations Conference on International Organization*

RESTRICTED
WD 387 (ENGLISH)
CO/158
June 18, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TENTH MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 16, 1945, 3:30 p.m.

Members present:

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. B. Krylov |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |

CHAPTER IV - MEMBERSHIP (Doc. WD 315, CO/127)

The Committee approved Articles 13 to 17.

Article 18, paragraph 1, was approved but paragraphs 2 and 3 were postponed pending receipt of the latest text from Committee II/2. Articles 19 to 23 were approved. Article 20 was rearranged as follows:

> "Decisions of the General Assembly on important questions shall be taken by a two-thirds majority of the members present and voting. For this purpose the following questions shall be considered as important: recommendations with respect to the maintenance of international peace and security, the election of members of the Security Council, the election of members of the Economic and Social Council, the admission of new members to the United Nations, the suspension of the rights and privileges of members and budgetary questions. Other questions may be declared important for the purposes of this Article by a majority of those present and voting. All questions other than important questions above defined will be decided by such a majority."

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## CHAPTER V - SECURITY COUNCIL (WD 352, CO/139)

The Committee approved Articles 23 to 26, 28 to 33. Article 27 was postponed pending the receipt of a new draft from the Coordination Committee listing various other functions of the Security Council. No changes of substance were introduced by the Committee. Articles 34 and 35 were reserved pending further study of the relationship between these articles.

## NEXT MEETING

It was agreed the Committee would meet at 10:30 a.m. on Sunday, June 17. The meeting adjourned at 6:45 p.m.

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*The United Nations Conference
on International Organization*

RESTRICTED
WD 383 (ENGLISH)
CO/160
June 18, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF ELEVENTH MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 17, 1945, 10:30 a.m.

Members present:

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. B. Krylov |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |

PREAMBLE - (WD 367, CO/150)

The last paragraph of the Preamble was approved with certain changes, as follows:

> "Through the Representatives designated by our respective Governments and furnished with full powers found to be in good and due form, agree in Conference at San Francisco to the present Charter of the United Nations."

Article 3 -(WD 315, CO/127)

The text of Article 3 was approved with changes as follows:

> "The original members of the United Nations shall be the states which, having participated in the United Nations Conference at San Francisco, signed the present Charter and ratify it in accordance with Article 82."

New Article 83 and Final Clauses

Preliminary texts were drafted for a new Article 83 and a final clause dealing with signatures but this was not given final approval.

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Article 18 - (WD 336, CO/133)

The following text as approved by Commission II, except for a substitution of "shall" for "should" throughout the text, was substituted for the whole of text of Article 18 found in Doc. WD 336, CO/133:

> "1. The General Assembly shall receive and consider annual and special reports from the Security Council; such reports shall include an account of the measures which the Security Council has adopted or applied to maintain international peace and Security.
>
> "2. The General Assembly shall receive and consider reports from the other bodies of the Organization."

Article 27 -(WD 352, CO/139)

The content of the text of Article 27 was discussed but it was decided to postpone further consideration of it until a new text, which was understood to be in process of formulation was received.

## NEXT MEETING

It was agreed that the next meeting would be held on June 17 at 3:30 p.m.

The meeting adjourned at 12:45 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 395 (ENGLISH)
CO/161
June 19, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWELFTH MEETING OF

## ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 17, 1945, 3:30 p.m.

Members present:

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. B. Krylov |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |

### Article 83 - Custody of Charter

The Committee approved the text of Article 83 with slight modifications on the basis of a typewritten draft circulated at the meeting.

### CHAPTER V - SECURITY COUNCIL (Doc. WD 352, CO/139)

The Committee approved Articles 34 and 35 with slight modifications in the English text of both articles and in the French text of Article 34.

### CHAPTER VII - DETERMINATION OF THREATS TO THE PEACE OR ACTS OF AGGRESSION AND ACTION WITH RESPECT THERETO (Doc. WD 355, CO/142)

The articles under Chapter VII (Articles 43 - 54) were approved with slight modifications with the exception of Articles 49, 52, and the French text of Article 51, which had not yet been received. Article 49 was deferred because of a seeming discrepancy between the English and French texts, the French texts in line 4 containing the words: "les membres," whereas, the equivalent English text omits the definite article. Since this appeared to involve the meaning of the text, the Committee referred it back to the Coordination Committee.

Article 52 was reserved for subsequent discussion.

### CHAPTER VIII - REGIONAL ARRANGEMENTS (WD 351, CO/138)

The English text of Article 55 was approved as redrafted (see WD 155, CO/63 (1). As approved, the article consists of four paragraphs instead of two. The corresponding French text was also approved as redrafted.

Article 56 was deferred pending a decision on Article 80, and Article 57 was approved.

### CHAPTER X - THE INTERNATIONAL COURT OF JUSTICE (WD 328, CO/131)

The Committee approved all the articles in Chapter X with slight modifications.

### CHAPTER XIII - MISCELLANEOUS PROVISIONS (WD 329, CO/132)

The Committee approved with slight modifications the articles comprising Chapter XIII.

### CHAPTER IX - INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION (WD 357, CO/143)

All the articles under Chapter IX were approved with slight modifications except Article 60, which was deferred for further consideration.

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RESTRICTED
WD 396 (ENGLISH)
CO/162
June 19, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF THIRTEENTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 17, 1945, 9:00 p.m.

Members present:

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. B. Krylov |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |

This meeting was devoted to the drafting of alternative texts for Article 3, pursuant to a request from the Coordination Committee. Various alternatives were considered and the session ended with the drafting of a memorandum to the Coordination Committee setting forth such texts and stating the view of the Advisory Committee of Jurists. This draft memorandum was to receive further consideration at the next meeting.

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*The United Nations Conference*
*on International Organization*

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WD 424 (ENGLISH)
CO/166
June 19, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FOURTEENTH MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room 421, June 18, 1945, 10:30 a.m.

### Article 3

The Committee discussed changes in Article 3 arising out of suggestions concerning this Article by the Coordination Committee and drafted a memorandum for approval at the next meeting.

### Article 4

The question of the Coordination Committee as to whether or not provision should be made in the Charter for the disposition of a declaration of adherence by states admitted to membership under Article 4 was discussed. The answer of the Jurists' Committee was in the negative, on the grounds that this would add a new condition of admission for members. The Jurists recommended as an additional paragraph 3 to Article 4, the following text:

> "The action of the General Assembly shall be promptly communicated by the Secretary-General to the Government of the United States of America, as a depository of the Charter, and to the governments of all other members of the United Nations."

A question from the Coordination Committee as to whether paragraph 2 of Article 4 made it clear that the Assembly might accept or reject a recommendation of the Security Council was answered in the sense that the text was clear in this respect.

### Article 60

In reply to a question of the Coordination Committee as to whether the text of Article 60, as approved by the Coordination Committee on June 16 (WD 357, CO/143), is in keeping with

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the meaning from the legal point of view of [illegible] employed by the Technical Committee in the text [illegible] on June 6 (WD [illegible], C[illegible] ([illegible]), the answer to this question was in the affirmative. In view of the statement in the report of Committee [illegible] which reads: "It is agreed that the term 'intergovernmental' should be interpreted to mean agencies which have been set up by agreement between governments" (Doc. 833, pp. 4,5), one member of the Committee of Jurists registered his opinion that the Coordination Committee text was broader than the Technical Committee text. He believed that the International Labor Organization was not an intergovernmental agency in the strict sense of the term in view of the fact that the Organization had representatives not only of governments but also of employers and workers.

Next Meeting

It was agreed that the next meeting should be held June 18 at 3:30 p.m.

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*The United Nations Conference on International Organization*

RESTRICTED
WD 4[illegible] (ENGLISH)
[illegible]
June [illegible], 194[illegible]

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF FIFTEENTH MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 18, 1945, 3:30 p.m.

Article 2 - Paragraph 7

In response to a question of the Coordination Committee whether the word "state" in the 7th line should be retained, or whether the word "member" should be substituted, the Jurists replied that the word "state" should be retained.

Article 3

The Committee approved a memorandum replying to certain questions of the Coordination Committee about Article 3. The Jurists pointed out that the Coordination Committee's text of paragraph (2) enabled any state to claim the right to sign the Charter and become an original member. The Jurists Committee had preferred what was not stated in the Coordination Committee's paragraph (3) and had submitted a draft beginning "We, the People of (here follow the names and states participating in the San Francisco Conference)". At the same time, the Committee of Jurists had suggested for Article 3 the following text:

> "The original members of the United Nations shall be the states named in the Preamble which sign and ratify the present Charter."

It was understood that these suggestions had not met with favor in the Coordination Committee. The Jurists pointed out that it was customary to state in the preamble of treaties the names of signatory powers and stated that they preferred to have this done in the present case unless there were valid reasons to the contrary.

The Jurists considered that the Coordination Committee's paragraph (4) could be used in its present form if it were changed to read:

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> "The original members of the United Nations shall be the states, named in the Annex, which sign the present Charter and ratify it in accordance with Article 82."

The Jurists were, however, of the opinion that such a procedure would be awkward since the Annex list would merely repeat the names of the countries which would appear as signatories immediately ahead of the Annex.

The Coordination Committee's paragraph (5) was the same as the present Article 3 as approved by the Jurists on June 17 while the first preference of the Jurists would be for the suggestion in the Coordination Committee's paragraph (3). The second preference of the Jurists would be their own revised Article 3, which is as follows:

> "The original members of the United Nations shall be the states which, having participated in the United Nations Conference at San Francisco, sign the present Charter and ratify it in accordance with Article 82."

The Jurists understood that the object of the suggestion contained in the Coordination Committee's paragraph (6) is to enable a state not represented at San Francisco, but which had previously signed the United Nations Declaration, to sign and ratify the Charter and thereby become an original member of the Organization. If this suggestion were followed, the Article should read as follows:

> "The original members of the United Nations shall be the states which, having participated in the United Nations Conference at San Francisco, or having previously signed the Declaration of the United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 82."

The Jurists consider that an article in this form would require an additional paragraph to Article 82 which might read as follows:

> "Any state which did not participate in the United Nations Conference at San Francisco, but which had previously signed the United Nations Declaration of January 1, 1942, may sign the present Charter at a later date."

CHAPTER VI (WD 371, CO/152)

Article 36

The Committee approved the text of Article 36 with the following changes: (1) in the 13th line, the word "may" was

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suppressed, and the words "shall, if it deems it necessary," were substituted; (2) in the last line the word "disputes" was substituted for the word "dispute".

### Article 37

The text of Article 37 was approved with the following changes: (1) the word "may" was substituted for the words "is empowered" in the first and second lines; (2) the word "might" was substituted for the word "may" in the fourth line; (3) Article 37 was combined with Article 38, and the whole of Article 37 was made a paragraph numbered 1.

### Article 38

The text of Article 38 was approved with the following changes: (1) the term "United Nations" was substituted for the word "organization" in the first line of the first paragraph; (2) the last line of the first paragraph was revised to read "provisions of Articles 12 and 12x"; (3) the first paragraph was numbered 2, in view of the combination of Article 38 with Article 37; (4) in the second paragraph the word "present" was inserted before the word "Charter" in the last line; (5) the second paragraph was numbered 3, in view of the combination of Article 38 with Article 37.

### Article 39

The Committee approved the text of Article 39 with the following changes: (1) the Article was renumbered 38; (2) the Article was split into two paragraphs numbered 1 and 2, paragraph 2 beginning with the second sentence; (3) the word "should" was substituted for the word "shall" in the second sentence.

### Article 40

The text of Article 40 was approved with the following changes: (1) Article 40 was combined with Article 39, becoming a new Article 38; (2) old Article 40 was numbered paragraph 3 in new Article 38; (3) the words "this Article" were substituted for the words "Article 39" in the second line.

### Article 41

The text of Article 41 was approved with the following changes: (1) the Article was renumbered 39; (2) in the 14th line, the words "Article 38" were substituted for the words "Article 39".

### Article 42

The text of Article 42 was approved with the following changes: (1) the Article was renumbered 40; (2) in the second line, the words "Articles 36-41" became the words "Articles 36-39"; (3) the word "the" was added at the end of the 7th line, and the word "its" was suppressed in the 5th line; (4) the words "of the dispute" were inserted after the word "settlement" in the 6th line.

In answer to a question from the Coordination Committee as to whether the words "make recommendations to the parties" should be further spelled out, the Jurists replied in the negative.

## ORDER OF THE ARTICLES IN CHAPTER VI

The Coordination Committee had asked whether the Articles should be rearranged in the following order (old numbered 38, 37, 36, 39, 40, and 41). The Jurists replied after some discussion that no change should be made in the order of the articles, but that they should be combined as indicated above.

The Committee, with the exception of M. Basdevant, considered the whole of Chapter VI as approved with the changes indicated.

## NEXT MEETING

It was decided that a joint meeting of the Advisory Committee of Jurists with certain members of the Coordination Committee would take place June 18 at 9 p.m.; and that the next meeting of the Advisory Committee of Jurists would take place June 19 at 10:30 a.m.

The meeting adjourned at 7 o'clock.

*The United Nations Conference on International Organization*

RESTRICTED
WD 415 (ENGLISH)
CO/175
June 20, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF SIXTEENTH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 19, 1945, 10:30 a.m.

Members present:

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| France | Jules Basdevant |
| U.S.S.R. | S. B. Krylov |
| United Kingdom | Sir William Malkin |

### SEQUENCE OF LANGUAGES; ARTICLE 83 (WD 382, CO/157)

The Coordinator of Final Documents had asked the Committee to state whether the five languages should appear in (English) alphabetical order or in the order of the Conference decision on languages, with the two working languages first. It was agreed to follow the latter and also to change Article 83 accordingly, making the order English, French, Chinese, Russian, and Spanish.

### FORM OF SIGNATURE OF FINAL DOCUMENTS

The Committee agreed that signatures on the final documents should appear under the headings "China," "France," etc., rather than "For China" or "For the Government of China," etc.

### LEGAL FORCE OF PREAMBLE: REPORT OF RAPPORTEUR OF COMMITTEE I/1 TO COMMISSION I (Doc. 944, I/1/34(I))

At the request of the Coordination Committee, the Committee considered the correctness of a statement in the Report of the Rapporteur of Committee I/1 (page 3) to the effect that the Preamble has no less legal validity than the succeeding chapters of the Charter. The Committee decided to advise the Coordination Committee that the statement was correct if interpreted to mean that the Preamble is valid as a statement of general aims, but does not impose actual obligations, although it may be drawn upon to explain ambiguous statements in the articles which do impose obligations.

## INTERIM ARRANGEMENTS (Doc. 1026, ST/1_)

At the request of the Secretary-General, the Committee considered several aspects of the preliminary draft on Interim Arrangements. Paragraph [illegible] thereof provided that the Government of the United States should be the temporary depository of the document, which should be transferred to the Executive Secretary of the Interim Commission when he should be appointed. The Committee felt, however, that this document, like the Charter, should be permanently deposited with the United States. It agreed on a draft of paragraph 8 conforming it to Article 82 of the Charter in this respect, and on a text clarifying paragraph 9, as follows:

Paragraph 8:

> "The present document drawn up in five languages shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted to the governments of the other signatory states."

Paragraph 9:

> "This document shall be effective as from this date."

The Committee adjourned at 1 p.m., to meet again at 4 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 4[illegible] (ENGLISH)
CO/[illegible]
June 2[illegible], 194[illegible]

# COORDINATION COMMITTEE

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PRINT BROKEN

## SUMMARY REPORT OF [illegible] MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room [illegible],
June [illegible], 1945, [illegible] P.M.

Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| France | Jules Basdevant |
| United Kingdom | William Malkin |
| U.S.S.R. | S. B. Krylov |

CHAPTER V (Doc. [illegible], CO/139 (2))

This entire chapter, comprising Articles 23 through 34, was approved without change. The Committee disapproved, however, the omission of Article 27 in the previous text, and notified the Coordination Committee that in its judgment the text of the former Article 27 should be included.

CHAPTER VII (WD 373, CO/142 (1))

Articles 43, 44, and 45 were approved without change.

In Article 46 the words "maintain or restore interna-" were restored at the top of page 3.

Articles 47 and 48 were approved without change.

Article 49 was tentatively approved, subject to a final reading, with, however, the addition of a comma after the word "determined" in the eleventh line.

Articles 50 and 51 were approved.

5264

Article 52 was approved subject to the following changes: The term "[illegible]" was [illegible] for the word "arrangements" in the [illegible] line of paragraph 1, and [illegible] in the third line of paragraph 2.

Articles 53 and 54 were approved without change.

CHAPTER IX (WD 394, CO/143 (1))

Article 58 was approved without change except that (a), (b) and (c) were made to appear as separate paragraphs.

Article 59 was approved without change.

Article 60 was approved subject to the following changes: (1) the paragraph in the text as printed was numbered 1; (2) a comma was inserted after the word "agreement" in the third line; (3) the comma after the word "responsibilities" in the fourth line was deleted; (4) in the sixth line, after the word "instruments" the following words were inserted: "in economic, social, cultural, educational, health, and related fields,"; and (5) a new paragraph was added to the Article as follows: "Specialized agencies thus brought into relationship with the Organization are hereinafter referred to as 'the specialized agencies'."

Article 61 was approved.

Approval of Article 62 was deferred until after consideration of Chapter IX (X).

Article 63 was approved without change.

CHAPTER IX (X) (WD 394, CO/144 (1))

Article 63 was approved without change.

In Article 64 the texts of paragraphs 1 and 2 were rearranged to read as follows:

> "1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters, and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.
>
> "2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all."

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Paragraphs 3 and 4 of Article 64 were approved without change.

Article 65 was approved with the following changes:

(1) In paragraph 1, the word "an" was inserted after the word "into" in the second line;

(2) The word "agreements" was made "agreement";

(3) The words "in any case" were deleted,

(4) The words "the appropriate authorities of" were deleted;

(5) The word "specialized" was deleted; and

(6) The word "agencies" was made to appear as "agency".

In paragraph 2,

(1) The word "the" was inserted before the word "specialized";

(2) The words "brought into relationship with the United Nations" were deleted; and

(3) The word "consultations" was made to appear "consultation".

The text of Article 66 was approved, with certain changes to read as follows:

> "1. The Economic and Social Council is authorized to take appropriate steps to obtain regular reports from the specialized agencies. It is authorized to make arrangements with the members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to those recommendations falling within its competence which are made by the General Assembly.
>
> "2. It may, with the approval of the General Assembly, perform services at the request of the members of the United Nations and at the request of the specialized agencies."

Paragraph 3 of Article 66 was approved as it stood.

Article [illegible] was approved with the following change in paragraph 2: the words "the Members" were substituted for the word "[illegible]" in the fourth line.

The subtitle "Procedure" was inserted between Articles 69 and [illegible].

Articles 70 and 71 were approved without change.

Article 72 was approved with the following changes:

(1) The words "or brought into relationship with the United Nations" were deleted; (2) the word "the" was substituted for the word "such" in the next to the last line.

Article 73 was approved, with the deletion of the word "state" in the next to the last line.

Article 74 was approved, with the addition of a comma after the word "rules" in paragraph 2, and the deletion of the word "the" in the next to the last line of paragraph 2.

## CHAPTER XI (WD 368, CO/151)

Article 69 was approved without change.

Article 70 was approved, with the substitution of the words "those organs" for the words "the Organization".

Article 72 was approved with the following changes:

(1) The Article was divided into paragraphs numbered 1 and 2, the second paragraph beginning with the words "Each member" in the twelfth line;

(2) The words "of the United Nations" were inserted after the words "Each member" in the new paragraph 2.

Article 73 was approved as follows:

"1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

"2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations.

"3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

NEXT MEETING

It was agreed that the Committee should meet on June [illegible], 1945, at [illegible] p.m.

The meeting adjourned at [illegible]:30 p.m.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 410 (ENGLISH)
CO/179
June [illegible], 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF EIGHTEENTH MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room 4[illegible]1, June 20, 1945, 10:30 a.m.

### 1. Members Present

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| France | Jules Basdevant |
| United Kingdom | Sir William Malkin |
| U.S.S.R. | S. B. Krylov |

### 2. Subjects Discussed

The Committee had under consideration Chapter VI, Articles 36 through 41, "Pacific Settlement of Disputes", Alternative A: WD 408, CO/152 (1) June 20, 1945 and Alternative B: WD 409, CO/152 (2) June 20, 1945. Alternative A was approved subject to certain observations; Alternative B was rejected.

### 3. Chapter VI, Alternative A

Article 36 was approved subject to the suggestion that the singular form of the word "dispute" in paragraph 2 be employed rather than the plural form "disputes".

Articles 37 and 38 were approved but with the suggestion that these two articles be combined into one article with three numbered paragraphs.

Article 39 was approved but with the observation that the word "should" was used in the second line of paragraph 2, while the word "shall" was used in the third line of paragraph 3, and that consistency would suggest the employment of the same word in both paragraphs.

Article 41 was approved subject to one suggestion and one addition. It was suggested that Article 41 should contain references to Article 1, paragraph 1, and Article 2, paragraph 3. The Committee also recommended that these references should be expressed in Article 41 so as to read:

> "Without prejudice to the provisions of Articles 36-40 of this Chapter, the Security Council may, if all the parties to any dispute so request, make recommendation to the parties with a view to a peaceful settlement of the dispute in accordance with the principles laid down in Article 1, paragraph 1, and Article 2, paragraph 3."

4. Next Meeting

The next meeting was scheduled for June 2 , 1945 at 3:30 p.m.

The meeting adjourned at 1:50 p.m

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 425 (ENGLISH)
CO/189
June 27, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF NINETEENTH MEETING OF THE ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 20, 1945, 3:30 p.m.

Members Present:

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| Union of Soviet Socialist Republics | S. B. Krylov |
| United Kingdom | Sir William Malkin |
| France | Jules Basdevant |

### Chapter IX. International Economic and Social Cooperation

### Articles 60 and 62

After discussion, a memorandum was sent to the Coordination Committee recommending that Articles 60 and 62 be combined. The first paragraph of the new Article 60 would be the present Article 60; the present Article 62 would be paragraph 2 of Article 60; the present paragraph 2 of Article 60 would become paragraph 3 of Article 60, with the substitution of the word "thus" for the word "already".

### Article 63

The text of Article 63 was approved without change.

### Articles 37 and 38

Mr. Golunsky (Soviet Union) explained on behalf of the Coordination Committee why it had not been felt possible to combine Article 37 and Article 38 as recommended by the Advisory Committee of Jurists. The Coordination Committee felt that two wholly different matters were treated in these Articles, since Article 37 dealt with the power of the Security Council and Article 38 provided for the rights of members and non-members of the Organization.

After some discussion, the solution was reached of changing the order of Article 37 and Article 38, Article 37 becoming Article 38, and Article 38 becoming Article 37.

Article 2, paragraph 1

Mr. Colunsky, on behalf of the Coordination Committee, asked for the deletion of the reference in Article 2, paragraph 1, to the principle on which the Security Council should act. Since this was the only place where this principle was mentioned in connection with the Security Council, and since a general rule of action had been provided in Article 24, it was felt that the reference in Article 2 was unnecessary.

After some discussion the reference in Article 2, paragraph 1, was deleted.

Articles 56 and 80

The Coordination Committee having asked for advice as to how measures against states enemies of the United Nations during the Second World War be stated in Articles 56 and 80, the Committee of Jurists responded with the following texts:

"Article 56

"The Security Council shall, where appropriate, utilize such arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against an enemy, during the Second World War, of any signatory to the present Charter provided for pursuant to Article 80, or in regional arrangements directed against renewal of aggressive policy on the part of such states, until such time as the United Nations may, on request of the Government concerned, be charged with the responsibility for preventing further aggression by any such state."

"Article 80

"No provision of the present Charter shall invalidate or preclude action taken or authorized as a result of the Second World War, in relation to any of the states referred to in Article 56, by the Governments having responsibility for such action."

### Draft Statute of the International Court of Justice (second page proof)

Articles 1 through 36 were approved without change.

Article 37 was approved with one change to bring it into conformity with the text as approved by Commission IV, to read as follows:

> "Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice."

Articles 38 through 41 were approved without change.

In Article 42, paragraphs 1 and 2 were approved without change. Paragraph 3 was approved, with the following change to make it conform with the text approved by Commission IV:

> "3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary for the independent exercise of their duties."

Articles 43 through 53 were approved without change.

Article 54 was approved, with the elimination of the comma after the word "counsel" in the second line.

Articles 55 through 64 were approved without change.

Article 65 was approved, with the deletion of the words "shall be" in the next to the last line.

Article 66 was approved with the transposition of the first line on page 10 of the proof, so that it became the third line, in conformity with the text approved by Commission IV.

### Next Meeting

It was agreed that the Committee would meet at the call of the Chairman.

The meeting adjourned at 8 p.

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*The United Nations Conference on International Organization*

RESTRICTED
WD 4[illegible] (ENGLISH)
CO [illegible]
[illegible] 3, [illegible]

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTIETH MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 22, 1945, [illegible] a.m.

## DRAFT STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

(Doc. 1141, CO/160)

**Article 1**

The Jurists approved a proposal of the Coordination Committee that the phrase "of the United Nations" should be inserted after the word "Charter" in the second line.

**Article 3**

The Jurists Committee accepted a proposal of the Coordination Committee that the words "or member of the United Nations" be deleted in both the first and second paragraphs.

**Article 4**

The Jurists Committee approved a proposal of the Coordination Committee that the words "of the United Nations" be deleted in the first paragraph. In paragraphs 2 and 3, the Jurists accepted the proposal of the Coordination Committee that the word "members" when used to refer to members of the United Nations should begin with a capital letter.

**Article 7**

The Jurists Committee accepted a proposal of the Coordination Committee that the phrase "of the United Nations" should be deleted in paragraph 1.

**Article 10**

The Jurists Committee accepted a proposal of the Coordination Committee that, in paragraph 3, the words "or member of the United Nations" should be deleted; and that, in the third line, the order of the words "of both" should be reversed.

Articles 13 and 14
The Jurists Committee accepted proposals of the Coordination Committee that the words "of the United Nations" should be deleted in paragraphs 1 and 4 of Article 13 and in Article 14.

Article 17
The Jurists recommended to the Coordination Committee that the word "contesting" in paragraph 2 should be deleted.

Articles 18 and 32
The Jurists Committee accepted proposals of the Coordination Committee that the words "of the United Nations" be deleted in paragraph 2 of Article 18 and in paragraph 5 of Article 32.

The Jurists Committee accepted a proposal of the Coordination Committee that the word "retirement" be substituted for the word "retiring" in the second line of paragraph 7 of Article 32.

Article 34
The Jurists Committee accepted the proposal of the Coordination Committee that the words "or members of the United Nations" be deleted in paragraph 1.

Article 35
The Jurists accepted proposals of the Coordination Committee that the word "members" should begin with a capital letter in paragraphs 1 and 3; that the word "also" in paragraph 1 should be deleted, and that the word "other" be inserted before the word "states" in paragraph 1.

Article 36
In paragraph 2, to a proposal of the Coordination Committee that the words "members of the United Nations and the states" should be deleted, the Jurists responded by insisting that the word "states" should be retained, although they agreed that the words "members of the United Nations and the" might be omitted.

The Jurists agreed to a proposal of the Coordination Committee that, in paragraph 3, the words "members or" should be deleted.

Article 40
In paragraph 3, the Jurists accepted recommendations of the Coordination Committee that the word "members" should begin with a capital letter, and that, in the third line, the word "other" should be inserted before the word "states".

Article 52
The Jurists refused to accept the substitution by the Coordination Committee of the word "party" for the word "side" in the last line, and restored the word "side".

53[illegible]

### Article 53

The Jurists accepted the recommendation of the Coordination Committee that the word "its" should be substituted for the word "his" in both the second and the fourth lines.

### Article 66

In the first paragraph, the Jurists accepted recommendations of the Coordination Committee that the word "members" should begin with a capital letter, that the phrase "of the United Nations" should be deleted, and that the word "other" should be inserted before the word "states" in the fourth line.

In the second paragraph, the Jurists accepted a recommendation of the Coordination Committee that the word "member" in the second line should begin with a capital letter, and that the word "other" should be inserted before the word "state" in the third line.

In the third paragraph, the Jurists accepted recommendations of the Coordination Committee that the word "member" in the first and in the fifth lines should begin with a capital letter; and that in the second line, the word "other" should be inserted before the word "state".

In paragraph four, the Coordination Committee had proposed that the first line should read "any states and organizations". The Jurists rejected this recommendation in favor of the text "members, other states, and organizations having". Similarly, the proposal of the Coordination Committee that the word "members" be deleted in the fourth line, was rejected, and the Jurists restored the word "members". The Jurists also restored the word "members" in the antepenultimate line, contrary to a recommendation of its deletion by the Coordination Committee.

### Article 67

The Jurists accepted recommendations of the Coordination Committee that the words "of the United Nations" be deleted in the third line; that the word "members" in the fourth line begin with a capital letter; and that the word "other" should be inserted before the word "states" in the fifth line.

### Article 69

The Jurists accepted a proposal of the Coordination Committee that the word "members" in the penultimate line begin with a capital letter.

### Article 70

The Jurists accepted a recommendation of the Coordination Committee that the words "of the United Nations" in the antepenultimate line be deleted.

Next Meeting:

The Committee agreed that it would meet at 3 p.m. on June [illegible], 1945.

The meeting adjourned at 1.4[illegible] p.m.

5330

*The United Nations Conference on International Organization*

RESTRICTED
WD 421(ENGLISH)
CO/184
June 23, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-FIRST MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 22, 1945, 3 p. m.

Members Present:

| | |
|---|---|
| Green H. Hackworth | Chairman |
| Hsu Mo | China |
| Jules Basdevant | France |
| Sir William Malkin | United Kingdom |
| S. B. Krylov | U.S.S.R. |

### PARAGRAPH 4 (e) OF PREPARATORY COMMISSION DOCUMENT (Doc. 1026, ST/15)

This paragraph, which provided that the Preparatory Commission should issue invitations for nominations for the International Court of Justice "in accordance with the provisions of" the Statute of the Court, was amended because the Statute did not envisage issuance of invitations by such a Commission. The amended paragraph reads:

> "(The Commission shall) (e) Issue invitations for the nomination of candidates for the International Court of Justice in accordance with the duties devolving upon the Secretary-General under the Statute of the Court, in order that the election of the judges may take place at the first meeting of the General Assembly and the Security Council."

### FORM OF FINAL DOCUMENT

The Executive Secretary of the Conference brought to the Committee several problems concerning the form of the final document. One of these related to the relative positions of the Charter, Statute, and signature pages. One method was to have the texts of the Charter in the five languages followed immediately by the signature pages, with the five texts of the Statute at the end. The Executive Secretary explained that this presented certain difficulties in connection with cover pages for the several texts, and preferred the alternative, which was to have Charter and Statute together in each language, with signature pages at the end. The Committee thought the latter feasible, notwithstanding the fact that it would result in separating the signature clauses on the Charter texts from the signatures themselves.

The Committee agreed that to avoid resetting of type the word "For" should precede the name of each country on the signature pages, except for the Chinese version of each.

In response to a question raised as to the method by which a state might indicate that it was not yet prepared to accept one of the five texts, the Committee expressed the strong view that such exceptions should not be possible. It felt that the Charter must be signed as an entity, including all five texts, and pointed to the fact that Article 33 makes each text an integral part of the Charter: "The present Charter, of which the English, French, Chinese, Russian and Spanish texts are equally authentic, shall," etc. The Committee was also of the view that in no event should such exceptions be noted on the signature pages of the document itself, for presumably they would be temporary in character and to expunge them would spoil the document.

Minor amendments were made in the signature clause of the draft Preparatory Commission document, as follows:

First line: substitute "faith" for "witness";
substitute "Representatives" for "Plenipotentiaries".
Fourth line: substitute "all texts" for "each".

The Committee agreed that it would be appropriate to seal the Charter with the seal of the city of San Francisco.

### ARTICLE 66 OF STATUTE (Doc. 1141, CO/180)

Carrying out a Coordination Committee decision that the term "members and states" should not appear in the Charter or Statute, the Committee modified Article 66 of the Statute as follows:

Paragraph 1: delete words following "advisory opinion" through the word "and"; substitute "all" for "any".
Paragraph 2: delete "member of the United Nations or".
Paragraph 3: substitute "such" for "member of the United Nations or" (Lines 1 and 2); delete "member or" (line 5).

Paragraph 4: Add to the word "members" in lines 2, 4, and 6, and the comma following "[illegible]" in each case; capitalize initial "[illegible]".

FINAL READING OF CHARTER

The Committee commenced its final reading of the Charter as revised by the Coordination Committee. It adjourned at [illegible] p.m., to meet again at 8 p.m.

*The United Nations Conference on International Organization*

RESTRICTED
WD 428 (ENGLISH)
CO/1[illegible]
June 25, 1945

# COORDINATION COMMITTEE

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## SUMMARY REPORT OF TWENTY-SECOND MEETING OF ADVISORY COMMITTEE OF JURISTS

Opera House, Room 431, June 22, 1945, 8:30 p.m.

Members Present:

| | |
|---|---|
| Chairman | Green H. Hackworth |
| China | Hsu Mo |
| United Kingdom | Sir William Malkin |
| Union of Soviet Socialist Republics | S. B. Krylov |
| France | Jules Basdevant |

### Tenatative Drafts of the Charter (Doc. 1149, CO/179)

The Advisory Committee, working in continuous contact with the Coordination Committee, approved recommendations for changes in the text made by the Coordination Committee, and recommended certain changes which were approved by the Coordination Committee.

Sir William Malkin desired to have registered his protest that the Coordination Committee, despite repeated representations by the Advisory Committee of Jurists, had not given due consideration to the latter's suggestions as to the text of Article 38.

At the conclusion of the meeting a complete text of the Charter had been agreed upon, satisfactory to both the Coordination Committee and the Advisory Committee of Jurists.

### Approved Text of the Charter (Doc. 1159, CO/181)

The text of the Draft Charter as approved by both Committees appears in Doc. 1159, CO/181.

The meeting adjourned at 5:00 a.m., June 23, 1945.

[illegible] OF THE [illegible]

( [illegible] )

**The United Nations Conference**
**on International Organization**

RESTRICTED
Doc. [illegible] (ENGLISH)
CO/[illegible]
[illegible], 1945

# COORDINATION COMMITTEE

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## NOTE ON THE ARRANGEMENT OF THE CHARTER

It has been pointed out by certain Delegates and others that the arrangement of the Dumbarton Oaks Proposals may not be the most suitable and desirable arrangement for the final Charter.

This note is submitted by the Secretariat to the Coordination Committee in order to provide material for a discussion of the Charter's form and arrangement. It is thought that the Committee may consider it useful to discuss this subject before proceeding to review the individual texts passed by the Technical Committees.

This note consists of two parts:

1. Suggested Arrangement of the Charter
These suggestions are submitted on a most informal and tentative basis simply to provide a point of departure for discussion.

2. Arrangement of the Dumbarton Oaks Proposals
This is a most informal synopsis or outline of the Proposals, which may be of assistance to the Committee in appraising the suggestions made in part 1.

# SUGGESTED ARRANGEMENT OF THE CHARTER

(Based on the Dumbarton Oaks Proposals, with the Inclusion of Amendments now being considered by the Conference.)

Preamble (Including DO introductory paragraph).

Chapter I - Purposes of The United Nations (DO Ch.I)

Chapter II - Principles of The United Nations (DO Ch. II)

Chapter III - Membership of The United Nations

Article 1 - Membership
- Par. 1 (States eligible - DO Ch. III)
- Par. 2 (A new par. referring to Annex 3)

Article 2 - Admission of New Members (DO Ch. V, Sec. B, par. 2, adopted)

Article 3 - Withdrawal (a new article)

Article 4 - Suspension and Expulsion (DO Ch. V, Sec. B, par. 3, adopted)

Chapter IV - Organs and Seat of The United Nations

Article 1 - Principal Organs (DO Ch. IV, par. 1)
- a. The General Assembly
- b. The Security Council
- c. The International Court of Justice
- d. The Economic and Social Council
- e. The Secretariat

Article 2 - Subsidiary Agencies (DO Ch. IV, par. 2)

Article 3 - Seat (a new article)
- Par. 1 (Designation of seat)
- Par. 2 (Provision for change of seat)

Chapter V - The General Assembly

Article 1 - Composition (DO Ch. V, Sec. A)
Article 2 - Procedure (DO Ch. V, Sec. D)
Article 3 - Voting (DO Ch. V, Sec. C)
Article 4 - Functions and Powers (DO Ch. V, Sec. B with appropriate change of pars. 2 and 3)

Chapter VI - The Security Council

Article 1 - Composition (DO Ch. VI, Sec. A)
Article 2 - Procedure (DO Ch. VI, Sec. D)
Article 3 - Voting (DO Ch. VI, Sec. C)
Article 4 - Functions and Powers (DO Ch. VI, Sec. B)

Chapter VII - The International Court of Justice (DO Ch. VII)

Chapter VIII - The Economic and Social Council

Article 1 - Composition
Par. 1 (DO Ch. IX, Sec. B, first 2 1/2 sentences)
Par. 2 (DO Ch. IX, Sec. A, par. 1)
Par. 3 (DO Ch. IX, Sec. A, par. 2)
Article 2 - Procedure (DO Ch. IX, Sec. D)
Article 3 - Voting (DO Ch. IX, Sec. B, final 1 1/2 sentences)
Article 4 - Functions and Powers (DO Ch. IX, Sec. C)

Chapter IX - The Secretariat (DO Ch. X)

Chapter X - Pacific Settlement of Disputes (DO Ch. VIII, Sec. A)

Chapter XI - Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto. (DO Ch. VIII, Sec. B except par. 9)

Chapter XII - The Military Staff Committee (DO Ch. VIII, Sec. B, par. 9)

Chapter XIII - Regional Arrangements (DO Ch. VIII, Sec. C)

Chapter XIV - Trusteeship Arrangements (a new chapter)

Chapter XVI - General Provisions

Article 1 - Registration of Treaties and Other International Engagements (a new article)
Article 2 - Abrogation of Inconsistent Obligations (a new article)

(1637)

Article 3 - Official Languages (a new article)
Article 4 - Amendments (DO Ch. XI)
Article 5 - No provision of this Charter should preclude action in relation to enemy states in the present war (DO Ch. XII, par. 2)
Article 6 - Ratification, and Coming into Force of This Charter (a new article)

Annex I - List of the original members of the Organization

Annex II - Statute of the International Court of Justice

Protocol - Transitional Arrangements (DO Ch. XII, par. 1)

## ARRANGEMENT OF THE DUMBARTON OAKS PROPOSALS

Chapter I - Purposes

1. To maintain international peace and security by collective measures.
2. To develop friendly relations and strengthen peace.
3. To achieve international cooperation in the solution of various problems.
4. To afford a center for harmonizing the actions of nations.

Chapter II - Principles

1. Sovereign equality of all peace-loving states.
2. Undertaking to fulfill obligations under the Charter.
3. Undertaking to settle disputes by peaceful means.
4. Undertaking to refrain from threat or use of force.
5. Undertaking to give every assistance to the organization.
6. Undertaking to refrain from giving assistance to certain states.

Chapter III - Membership

Chapter IV - Principal Organs

1. List of the four organs.
2. Provision for subsidiary agencies.

## Chapter V - The General Assembly

### Section A - Composition

### Section B - Functions and Powers

1. Should have right to consider, discuss and recommend (but not on matters being dealt with by the Security Council).
2. Should have power to admit new members on recommendation of the Security Council.
3. Should have power to suspend and to expel a member.
4. Should elect
   - (i) non-permanent members of S. C.
   - (ii) members of Ec. & Soc. Council
   - (iii) Secretary General
   - (iv) Judges, as may be authorized under the Statute.
5. Should apportion expenses and approve budgets.
6. Should make studies and recommendations to promote international cooperation.
7. Should coordinate the policies of the specialized agencies.
8. Should receive annual reports of S. C. and the other agencies.

### Section C - Voting

1. Each member should have one vote.
2. Important decisions 2/3; other matters majority.

### Section D - Procedure

1. Should hold regular annual sessions and special sessions as necessary.
2. Should adopt our rules and elect president for each session.
3. Should set up such agencies as are necessary for performance of functions.

## Chapter VI - The Security Council

### Section A - Composition (11 members; 5 permanent)

### Section B - Principal Functions and Powers

1. Members should confer on S. C. primary responsibility for peace.
2. In discharging duties the S. C. should act in accordance with the Organization's purposes and principles.
3. Specific powers are laid down in Chapter VIII.
4. All members should obligate themselves to accept and carry out decisions of the S. C.
5. Responsibility of the S. C. for establishing a system regulating armaments.

(1637)

Section C - Voting

1. Each member should have one vote.
2. Decisions on procedural matters by affirmative vote of 7.
3. Decisions on all other matters by affirmative vote of 7, including permanent members. Under Chapter VIII, A, and VIII, C, 1 (second sentence) a party to dispute should not vote.

Section D - Procedure

1. Permanent representation of members at HQ, and periodic meetings.
2. Should set up necessary bodies for its work.
3. Should adopt rules of procedure, and method of selecting its president.
4. Any member of Organization should participate when its interests are affected.
5. Any member of Organization, or non-member should participate when a party to a dispute under consideration.

Chapter VII An International Court of Justice

1. There should be a Court.
2. Its Statute should be annexed to and a part of the Charter.
3. Statute should be either the old one or a new one.
4. All members of the Organization should be parties to the Statute.
5. Non-members of the Organization to become parties to the Statute as determined by the Assembly on recommendation of the S. C.

Chapter VIII Arrangements for Maintenance of International Peace and Security Including Prevention and Suppression of Aggression

Section A - Pacific Settlement of Disputes

1. Should investigate dispute to determine whether its continuance would endanger peace.
2. Any state may bring dispute before Assembly or Council.
3. Parties to dispute should obligate themselves to seek solution by peaceful means of their choice.
4. If peaceful settlement by means of their choice impossible, parties should refer dispute to Council.
5. S. C. should have power to recommend procedure or methods of adjustment.

6. Justiciable disputes should be referred to the Court. The S. C. should be able to ask Court for advice.
7. Above provisions do not apply to domestic matters.

### Section B - Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto

1. S. C. should take any measures necessary to maintain peace if a dispute is not settled under Section A.
2. S. C. should decide on measure to maintain or restore peace if a threat or breach exists.
3. S. C. should determine use of non-military sanctions and call upon members to apply them.
4. Should such measures be inadequate, S. C. should have power to take military action.
5. By special agreement between themselves members of the Organization should make armed forces and facilities available to the S. C.
6. Air force contingents should be held immediately available.
7. Action required by the S. C. to maintain peace should be taken by all members of the Organization or by some as the S. C. may determine.
8. Plans for the use of armed force should be made by the S. C. with the aid of the Military Staff Committee.
9. The Military Staff Committee.
10. The members of the Organization should give mutual assistance in carrying out the decisions of the S. C.
11. States faced with economic problems in carrying out S. C. decisions should consult the S. C.

### Section C - Regional Arrangements

1. S. C. should encourage settlement of disputes through regional arrangements or agencies.
2. S. C. should use regional agencies for enforcement action but no action should be taken without authority of S. C.
3. S. C. should be kept fully informed of activities of regional agencies.

## Chapter IX - Arrangements for International Economic and Social Cooperation

### Section A - Purpose and Relationships

1. Organization should facilitate solution of economic, social and other problems through an Ec. & Soç. Council under the responsibility of the General Assembly.

2. Various specialized agencies should be related to the Organization by agreements.

Section B - Composition and Voting (18 members, elected by the General Assembly, each with one vote, taking decisions by simple majority).

Section C - Functions and Powers of the Economic and Social Council

1. Should be empowered to:
    - a. carry out recommendations of the General Assembly
    - b. make recommendations on its own initiative.
    - c. receive reports of agencies and coordinate their activities.
    - d. examine administrative budgets of the agencies.
    - e. give the Secretary General information for the S. C.
    - f. assist the S. C. on its request.
    - g. perform other functions assigned by the General Assembly.

Section D - Organization and Procedure

1. Ec. & Soc. Council should set up commissions and have a permanent staff part of the Secretariat.
2. Specialized agencies should participate without vote in deliberations of the Council and its commissions.
3. Council should adopt own rules and methods of selecting its president.

Chapter X - The Secretariat

1. Should be a Secretariat, headed by a Secretary General elected by the General Assembly on the recommendation of the S. C.
2. The Secretary General should act for all bodies of the Organization and should make an annual report to the General Assembly.
3. The Secretary General should have right to bring to the attention of the Security Council any matter threatening peace.

Chapter [illegible] - Amendments (should come into force when adopted by two-thirds of the General Assembly and ratified by the permanent members of the Security Council, and majority of the other members of the Organization).

Chapter XII - Transitional Arrangements

1. The four powers should consult together to maintain peace pending the effective coming into force of the Organization.
2. No provision of Charter should preclude action in relation to enemy status in the present war.

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 15 (ENGLISH)
CO/1[illegible]
May 22, 1945

# COORDINATION COMMITTEE

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## ALTERNATIVE SUGGESTIONS

## REGARDING THE ARRANGEMENT OF THE CHARTER

The Secretariat submits herewith two alternative suggestions regarding the arrangement of the Charter. These suggestions are in addition to the original suggestions contained in document CO/3.

Alternative A is based in part on views expressed by Mr. Sobolev; alternative B is based in part on the ideas of Mr. Evatt. In both alternatives as much use as possible has been made of the numerous suggestions advanced by other members of the Committee.

ALTERNATE A

## SUGGESTED ARRANGEMENT OF THE CHARTER

Preamble (including DO introductory paragraph)

### PART I - THE BASIS OF THE UNITED NATIONS ORGANIZATION

Chapter I - Principles and Purposes of the United Nations

Article 1. Principles of the United Nations (DO. Ch.II)
Article 2. Purposes of the United Nations (DO. Ch. I)

Chapter II - Organs of the United Nations (DO. Ch. IV)

Article 3. Principal Organs (a new article)
Article 4. Subsidiary Agencies (DO. Ch. IV, par. 2)

Chapter III - Membership of the United Nations

Article 5. Original Members (a new article)
Article 6. States Eligible for Membership (DO. Ch. III)
Article 7. New Members (a new article)
Article 8. Prohibition on Withdrawal (a new article)
Article 9. Suspension and Expulsion (DO. Ch. V, Sec. B, par. 3, adapted)

### PART II - THE GENERAL ASSEMBLY (DO. Ch. V)

Chapter I - Composition (DO. Ch. V, Sec. A)

Chapter II - Functions and Powers (DO. Ch. V, Sec. B)

Article 10. Right to Discuss and Make Recommendations Regarding Peace and Security (DO. Ch. V, Sec. B, par. 1)

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Article 11. Powers to Admit New Members and to Suspend and Expel Members (DO. Ch. V, Sec. B, pars. 2 and 3)
Article 12. Should Elect Non-Permanent Members of the S.C. the members of the E & S Council, the S.G., and the Court (DO. Ch. V, Sec. B, par. 4)
Article 13. Should Apportion Expenses Among Members (DO. Ch. V, Sec. B, par. 5)
Article 14. Should Make Recommendations to Promote International Cooperation (DO. Ch. V, Sec. B, par. 6)
Article 15. Should Coordinate Policies of Subsidiary Agencies (DO. Ch. V, Sec. B, par. 7)

Chapter III - Voting (DO. Ch. V, Sec. C)

Article 16. Each Member One Vote (DO. Ch. V, Sec. C, par. 1)
Article 17. Majority or Two-Thirds Voting Requirements (DO. Ch. V, Sec. C, par. 2)

Chapter IV - Procedure (DO. Ch. V, Sec. D)

Article 18. Regular and Special Sessions (DO. Ch. V, Sec. D, par. 1)
Article 19. Rules and President (DO. Ch. V, Sec. D, par. 2)
Article 20. Power to Create Bodies and Agencies (DO. Ch. V, Sec. D, par. 3)

## PART III - THE SECURITY COUNCIL (DO. Ch. VI)

Chapter I - Composition (DO. Ch. VI, Sec. A)

Chapter II - Principal Functions and Powers (DO. Ch. VI, Sec. B)

Article 21. Should Have Primary Responsibility for Peace (DO. Ch. VI, Sec. B, pars. 1, 2, and 3)
Article 22. Members Should Accept S. C.'s Decisions (DO. Ch. VI, Sec. B, par. 4)

Article 23. Responsibility of the Security Council for Establishing a System Regulating Armaments (DO. Ch. VI, Sec. B, par. [illegible])

Chapter III - Voting (DO. Ch. VI, Sec. C)

Article 24. Each Member One Vote (DO. Ch. VI Sec. C, par. 1)
Article 25. Voting on Procedural Matters (DO. Ch. VI, Sec. C, par. 2)
Article 26. Voting on all Other Matters (DO. Ch. VI, Sec. C, par. 3)

Chapter IV - Procedure (DO. Ch. VI, Sec. D)

Article 27. Headquarters and Periodic Meetings (DO. Ch. VI, Sec. D, par. 1)
Article 28. Necessary Bodies for Work (DO. Ch. VI, Sec. D, par. 2)
Article 29. Rules and President (DO. Ch. VI, Sec. D, par. 3)
Article 30. Participation of Interested Member (DO. Ch. VI, Sec. D, par. 4)
Article 31. Participation of Member or Non-Member Party to Dispute (DO. Ch. VI, Sec. D, par. 5)

## PART IV - ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION

Chapter I - Pacific Settlement of Disputes (DO. Ch. VIII, Sec.

Article 32. Should Investigate Dispute (DO. Ch. VIII, Sec. A, par. 1)
Article 33. Any State may Refer Dispute (DO. Ch. VIII, Sec. A, par. 2)
Article 34. Obligation not to Use Force (DO. Ch. VIII, Sec. A, par. 3)
Article 35. Reference of Dispute to S.C. (DO. Ch. VIII, Sec. A, par. 4)
Article 36. S. C.'s Power to Recommend Adjustments (DO. Ch. VIII, Sec. A, par. 5)

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Article 37. Justiciable Disputes Referred to Court (DO. Ch. VIII, Sec. A, par. 6)
Article 38. Non-application to Domestic Matters (DO. Ch. VIII, Sec. A, par. 7)

Chapter II - Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto (DO. Ch. VIII, Sec. B)

Article 39. Take Measures Necessary for Peace (DO. Ch. VIII, Sec. B, par. 1)
Article 40. Decide on Measures to Restore Peace if Threatened (DO. Ch. VIII, Sec. B, par. 2)
Article 41. Non-Military Sanctions (DO. Ch. VIII, Sec. B, par. 3)
Article 42. Military Action (DO. Ch. VIII, Sec. B, par. 4)
Article 43. Agreements on Armed Forces (DO. Ch. VIII, Sec. B, par. 5)
Article 44. Air Forces Immediately Available (DO. Ch. VIII, Soc. B, par. 6)
Article 45. Action by all Members or some, as Determined by S.C. (DO. Ch. VIII, Sec. B, par. 7)
Article 46. Plans Made by S.C. with Military Staff Committee (DO. Ch. VIII, Sec. B, par. 8)
Article 47. The Military Staff Committee (DO. Ch. VIII, Sec. B, par. 9)
Article 48. Mutual Assistance (DO. Ch. VIII, Sec. B, par. 10)
Article 49. Consultation with S.C. on Economic Problems (DO. Ch. VIII, Sec. B, par. 11)

Chapter III - Regional Arrangements (DO. Ch. VIII, Sec. C)

Article 50. Regional Settlements Encouraged (DO. Ch. VIII, Sec. C, par. 1)
Article 51. Use of Regional Agencies (DO. Ch. VIII, Sec. C, par. 2)
Article 52. Information on Activities of Regional Agencies (DO. Ch. VIII, Sec. C, par.3)

PART V - THE OTHER PRINCIPAL ORGANS OF THE UNITED NATIONS

Chapter I - The Economic and Social Council

1933

Article 53. Purposes and Relationships (DO. Ch. IX, Sec. A)
Article 54. Composition and Voting (DO. Ch. IX, Sec. B)
Article 55. Function and Powers (DO. Ch. IX, Sec. C)
Article 56. Organization and Procedure (DO. Ch. IX, Sec. D)

Chapter II - The International Court of Justice (DO. Ch. VII)

Article 57. Reference to the Statute (DO. Ch. VII, pars. 1, 2, and 3)
Article 58. All Members Should be Parties (DO. Ch. VII, par. 4)
Article 59. Non-Members May Become Parties (DO. Ch. VII, par. 5)

Chapter III - The Secretariat (DO. Ch. X)

Article 60. Secretariat and S-G (DO. Ch. X, par. 1)
Article 61. S-G's Action and Reports (DO. Ch. X, par.2)
Article 62. Reference to S.C. by S-G on Matters Threatening Peace (DO. Ch. X, par. 3)

## PART VI - TRUSTEESHIP ARRANGEMENTS (A New Part)

## PART VII - GENERAL PROVISIONS

Chapter I - Ratification and Amendments

Article 63. Ratification (a new article)
Article 64. Amendments (DO. Ch. XI)

Chapter II - Miscellaneous Provisions

Article 65. Registration of Treaties (a new article)
Article 66. Abrogation of Inconsistent Obligations (a new article)
Article 67. Official Languages (a new article)
Article 68. Immunities and Privileges (a new article)

1933

Annex I - Statute of the International Court of Justice
(It is not clear from Section II, E, of Doc. 469, ST/10, whether the Statute is to be in the form of an Annex to the Charter or not).

Annex II - Establishment of a Commission with administrative powers to function during the interim period prior to the first meeting of the Assembly.

Question: Should there not be a protocol on transitional arrangements embodying DO. Ch. XII, pars. 1 and 2?

## ALTERNATIVE B

(The presentation of this Alternative has been abbreviated as the various subheadings under each major heading, and the references to the corresponding paragraphs in the Dumbarton Oaks Proposals, have been given in detail in Alternative A.)

## SUGGESTED ARRANGEMENT OF THE CHARTER

Preamble (including DO introductory paragraph)

### PART I - THE BASIS OF THE UNITED NATIONS ORGANIZATION

Chapter I - Principles and Purposes of the United Nations

Chapter II - Organs of the United Nations

Chapter III - Membership of the United Nations

### PART II - THE GENERAL ASSEMBLY AND RELATED AGENCIES

Chapter I - The General Assembly

Chapter II - The Economic and Social Council

Chapter III - The Secretariat

### PART III - THE SECURITY COUNCIL AND RELATED AGENCIES

Chapter I - The Security Council

Chapter II - Pacific Settlement of Disputes

Chapter III - Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto (including the Military Staff Committee)

1933

Chapter IV - Regional Arrangements

PART IV - TRUSTEESHIP ARRANGEMENTS

PART V - THE INTERNATIONAL COURT OF JUSTICE

PART VI - MEANS FOR AMENDING THE CHARTER

PART VII - MISCELLANEOUS PROVISIONS

Article 1. Registration of Treaties
Article 2. Abrogation of Inconsistent Obligations
Article 3. Official Languages
Article 4. Immunities and Privileges
Article 5. Ratification of the Charter

1933

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 22 (ENGLISH)
CO/13
May 23, 1945

# COORDINATION COMMITTEE

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## SUGGESTED ARRANGEMENT OF THE CHARTER

## TENTATIVELY AGREED TO BY THE COORDINATION COMMITTEE

The Secretariat submits herewith, in response to the instructions of the Coordination Committee, an Arrangement of the Charter in which account has been taken of the various conclusions reached by the Committee.

Previous documents on this subject, in which were submitted three Suggested Arrangements of the Charter, are CO/3 and CO/10.

# ARRANGEMENT OF THE CHARTER
# TENTATIVELY AGREED TO BY THE COORDINATION COMMITTEE

Preamble (including DO introductory paragraph)

## Chapter I

## Principles and Purposes of the United Nations

Article 1. Purposes of the United Nations (DO. Ch. I)
Article 2. Principles of the United Nations (DO. Ch. II)

## Chapter II

## Membership of the United Nations

Article 3. Original Members (a new article)
Article 4. States Eligible for Membership (DO. Ch. III)
Article 5. New Members (a possible new article)
Article 6. Suspension and Expulsion (DO. Ch. V, Sec. B, par. 3, adapted) Note: It may be decided to include under the General Assembly the only reference to this subject.

## Chapter III

## Organs of the United Nations

Article 7. Principal Organs (DO. Ch. IV, par. 1)
Article 8. Subsidiary Agencies (DO. Ch. IV, par. 2)

## Chapter IV

## The General Assembly

Composition
Article [illegible]. Composition (DO. Ch. V, Sec. A)

Functions and Powers

Article 10. Right to Discuss and Make Recommendations Regarding Peace and Security (DO. Ch. V, Sec. B, par. 1)

Article 11. Powers to Admit New Members and to Suspend and Expel Members (DO. Ch. V, Sec. B, pars. 2 and 3, modified in accordance with what is done in Ch. III)

Article 12. Should Elect Non-Permanent Members of the S.C., the Members of the E & S Council, the S-G, and the Court (DO. Ch. V, Sec. B, par. 4)

Article 13. Should Apportion Expenses Among Members (DO. Ch. V, Sec. B, par. 5)

Article 14. Should Make Recommendations to Promote International Cooperation (DO. Ch. V, Sec. B, par. 6)

Article 15. Should Coordinate Policies of Subsidiary Agencies (DO. Ch. V, Sec. B, par. 7)

Voting

Article 16. Each Member One Vote (DO. Ch. V, Sec. C, par. 1)

Article 17. Majority or Two-Thirds Voting Requirements (DO. Ch. V, Sec. C, par. 2)

Procedure

Article 18. Regular and Special Sessions (DO. Ch. V, Sec. D, par. 1)

Article 19. Rules and President (DO. Ch. V, Sec. D, par. 2)

Article 20. Power to Create Bodies and Agencies (DO. Ch. V, Sec. D, par. 3)

## Chapter V

## The Security Council

Composition

Article 21. Composition (DO. Ch. VI, Sec. A)

Principal Functions and Powers

Article 22. Should have Primary Responsibility for Peace (DO. Ch. VI, Sec. B, pars. 1, 2, and 3)

Article 23. Members Should Accept S.C.'s Decisions (DO. Ch. VI, Sec. B, par. 4)

Article 24. Responsibility of the Security Council for Establishing a System for Regulating Armaments (DO. Ch. VI, Sec. B, par. 5)

Voting

Article 25. Each Member One Vote (DO. Ch. VI, Sec. C par. 1)

Article 26. Voting on Procedural Matters (DO. Ch. VI, Sec. C, par. 2)

Article 27. Voting on all Other Matters (DO. Ch. VI, Sec. C, par. 3)

Procedure

Article 28. Headquarters and Periodic Meetings (DO. Ch. VI, Sec. D, par. 1)

Article 29. Necessary Bodies for Work (DO. Ch. VI, Sec. D, par. 2)

Article 30. Rules and President (DO. Ch. VI, Sec. D, par. 3)

Article 31. Participation of Interested Member (DO. Ch. VI, Sec. D, par. 4)

Article 32. Participation of States or Non-Member Party to Dispute (DO. Ch. VI, Sec. D, par. 5)

## Chapter VI

## Pacific Settlement of Disputes

Article 33. Should Investigate Disputes (DO. Ch. VIII, Sec. A, par. 1)

Article 34. Any State May Refer Disputes (DO. Ch. VIII, Sec. A, par. 2)

Article 35. Obligation not to Use Force (DO. Ch. VIII, Sec. A, par. 3)

Article 36. Reference of Disputes to S.C. (DO. Ch. VIII, Sec. A, par. 4)

Article 37. S. C.'s Power to Recommend Adjustments (DO. Ch. VIII, Sec. A, par. 5)

Article 38. Justiciable Disputes Referred to Court (DO. Ch. VIII, Sec. A, par. 6)

Article 39. Non-application to Domestic Matters (DO. Ch. VIII, Sec. A, par. 7)

## Chapter VII

## Determination of Threats to the Peace or Acts of Aggression and Action With Respect Thereto

| | |
|---|---|
| Article 40. | Take Measures Necessary for Peace (DO. Ch. VIII, Sec. B, par. 1) |
| Article 41. | Decide on Measures to Restore Peace if Threatened (DO. Ch. VIII, Sec. B, par. [illegible]) |
| Article 42. | Non-Military Sanctions (DO. Ch. VIII, Sec. B, par. 3) |
| Article 43. | Military Action (DO. Ch. VIII, Sec. B, par. 4) |
| Article 44. | Agreements on Armed Forces (DO. Ch. VIII, Sec. B, par. 5) |
| Article 45. | Air Forces Immediately Available (DO. Ch. VIII, Sec. B, par. 6) |
| Article 46. | Action by All Members or Some, as Determined by S.C. (DO. Ch. VIII, Sec. B, par. [illegible]) |
| Article 47. | Plans Made by S.C. With Military Staff Committee (DO. Ch. VIII, Sec. B, par. 8) |
| Article 48. | The Military Staff Committee (DO. Ch. VIII, Sec. B, par. 9) |
| Article 49. | Mutual Assistance (DO. Ch. VIII, Sec. B, par. 10) |
| Article 50 | Consultation With S.C. on Economic Problems (DO. Ch. VIII, Sec. B, par. 11) |

## Chapter VIII

## Regional Arrangements

| | |
|---|---|
| Article 51. | Regional Settlements Encouraged (DO. Ch. VIII, Sec. C, par. 1) |
| Article 52. | Use of Regional Agencies (DO. Ch. VIII, Sec. C, par. 2) |
| Article 53. | Information on Activities of Regional Agencies (DO. Ch. VIII, Sec. C, par. 3) |

## Chapter IX

## The Economic and Social Council

| | |
|---|---|
| Article 54. | Purposes and Relationships (DO. Ch. IX, Sec. A) |
| Article 55. | Composition and Voting (DO. Ch. IX, Sec. B) |
| Article 56. | Functions and Powers (DO. Ch. IX, Sec. C) |

Article 57. Organization and Procedure (DO. Ch. IX,
Sec. D)

## Chapter X

## The International Court of Justice

Article 58. Reference to the Statute (DO. Ch. VII,
pars. 1, 2, and 3)
Article 59. All Members Should be Parties (DO. Ch.
VII, par. 4)
Article 60. Non-Members May Become Parties (DO. Ch.
VII, par. 5)

## Chapter XI

## The Secretariat

Article 61. Secretariat and S-G (DO. Ch. X, par. 1)
Article 62. S-G's Action and Reports (DO. Ch. X,
par. 2)
Article 63. Reference to S.C. by S-G on Matters
Threatening Peace (DO. Ch. X, par. 3)

## Chapter XII

## Trusteeship Arrangements
(A possible new part)

Article 64. (and as many other articles as may be required)

## Chapter XIII

## Ratification and Amendments

Article 65. Ratification (a possible new article)
Article 66. Amendments (DO. Ch. XI)

## Chapter XIV

## Miscellaneous Provisions

Article 67. Registration of Treaties (a possible new article)
Article 68. Abrogation of Inconsistent Obligations (a possible new article)
Article 69. Official Languages (a possible new article)
Article 70. Immunities and Privileges (a possible new article)

## Chapter XV

## Transitional Arrangements

Article 71. Four Powers to Consult to Maintain Peace Until Organization Created (DO. Ch. XII, par. 1)
Article 72. Action Against Enemy States in Present War Not Precluded (DO Ch. XII, par. 2)

There will be no annexes. The Statute of the Court will be a separate instrument, and the Preparatory Commission will be made the subject of a protocol.

SKELETON CHARTER, FIRST DRAFT

(2 DOCUMENTS)

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 48 (ENGLISH)
CC/20
May 29, 1945

# COORDINATION COMMITTEE

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## SKELETON CHARTER

There is submitted herewith by the Secretariat a first tentative draft of the Charter in skeleton form, prepared to serve as a guide to the Coordination Committee in its consideration of drafting papers and as a working document for the Advisory Committee of Jurists. This draft is based upon the arrangement of the Charter tentatively agreed to by the Coordination Committee and outlined in CO/13.

Into the outline have been inserted the tentative, preliminary drafts in Charter form made by the Secretariat of the texts which have been acted on by the technical committees. While it is believed that most of the articles included have received final, or at least substantial, approval by the technical committee or committees concerned, the presence of any particular draft should not be taken as implying that the technical committee has given final approval of the text in question.

The majority of the draft articles in the skeleton outline have been read by the Coordination Committee, and some have received varying degrees of approval by it. On certain others, the Coordination Committee has raised questions still to be resolved through reference to the Advisory Committee of Jurists, the technical committee concerned, or the Secretariat.

# SKELETON CHARTER

Preamble (including a paragraph establishing the Organization, based on the DO introductory paragraph)

## Chapter I

## Principles and Purposes of the Organization

Article 1. Purposes of the Organization (DO. Ch. I)
Article 2. Principles of the Organization (DO. Ch. II)

## Chapter II

## Membership of the Organization

### Article 3*

The original Members of the Organization shall be the signatories of the Charter whose ratification has become effective in accordance with Article [illegible].

### Article 4*

Membership of the Organization is open to all peace-loving States which, in the judgment of the Organization, are able and ready to accept and carry out the obligations contained in the Charter.

### Article 5*

New Members of the Organization may be admitted by the General Assembly upon the recommendation of the Security Council.

### Article 6*

A Member of the Organization against which preventive or enforcement action has been taken by the Security Council, or which has gravely or persistently violated the principles of the Organization, may be suspended from the exercise of the rights and privileges of membership by the General Assembly on recommendation of the Security

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* See Drafting Paper 27

Clause 1. The exercise of these rights and privileges may be restored by the Security Council.

## Chapter III

## Organs of the Organization

### Article 7*

There are hereby established as the principal organs of (name to be inserted): a General Assembly, a Security Council, an Economic and Social Council, an International Court of Justice, and a Secretariat.

### Article 8*

The Organization may establish such subsidiary agencies as are found necessary.

### Article 9*

The Organization shall not place restrictions on the equal eligibility of men and women to serve in any of its organs and agencies.

## Chapter IV

## The General Assembly

Composition

### Article 10**

The General Assembly shall consist of all of the Members of the Organization. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 11. Right to Discuss and Make Recommendations Regarding Peace and Security (DO. Ch. V, Sec. B, par. 1)

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* See Drafting Paper 22

** See Drafting Paper 2[illegible], Article 9

### Article 12*

The General Assembly shall elect the non-permanent Members of the Security Council and the Members of the Economic and Social Council. It shall elect the Secretary General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven Members. The General Assembly shall participate in the election of the Judges of the International Court of Justice in accordance with the provisions of the Statute of the Court.

### Article 13**

The General Assembly shall apportion the expenses among the Members of the Organization. It shall consider and approve the budgets of the Organization as well as any financial and budgetary arrangements with specialized agencies brought into relationship with the Organization under the provisions of Article 54.

### Article 14***

The General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation: (a) in political, economic, social, cultural, educational, and health fields; (b) in assisting the realization of human rights and basic freedoms for all, without distinction as to race, sex, language, or religion; and (c) in the development of international law.

### Article 15***

Subject to the provisions of Article 11, the General Assembly may recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the purposes and principles set forth in this Charter.

### Article 16****

1. The General Assembly shall make recommendations for coordinating the policies of international political,

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* See Drafting Paper 31
** See Drafting Paper 30
*** See Drafting Paper 32
**** See Drafting Paper 21, Article 15

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economic, social, cultural, educational, health, and other specialized [illegible] or agencies [illegible] rela- tionship, with the [illegible] in accordance [illegible] agree- ments between such organizations or agencies and the Organization.

2. The General Assembly shall examine the administrative budgets of such specialized organizations or agencies with a view to making recommendations to the agencies concerned.

Voting

### Article 17*

Each Member of the Organization shall have one vote in the General Assembly. A Member which is in arrears in the payment of its financial contributions to the Organization shall have no vote so long as the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may restore the privilege of voting if it is satisfied that the failure to pay is due to conditions beyond the control of the Member in question.

### Article 18**

Important decisions of the General Assembly, including recommendations with respect to the maintenance of international peace and security; election of Members of the Security Council; election of Members of the Economic and Social Council; admission of Members; suspension of the rights and privileges of Members; and budgetary questions, shall be made by a two-thirds majority of those present and voting. All other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a simple majority of those present and voting.

Procedure

### Article 19***

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convened by the Secretary General at the request of the Security Council or of a majority of the Members of the Organization.

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* See Drafting Paper [illegible], Article 16
** See Drafting Paper [illegible], Article 17
*** See Drafting Paper 34, Article 18

Article 20*

The General Assembly shall adopt its own rules of procedure, and shall elect its President for each session.

Article 21**

The General Assembly may create such bodies and agencies as it deems necessary for the performance of its functions.

## Chapter V

## The Security Council

Composition

Article 22***

1. The Security Council shall consist of eleven Members of the Organization of which five shall be permanent Members and six shall be non-permanent Members. The United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and France shall be permanent Members. The General Assembly shall elect six other Members of the Organization to be the non-permanent Members, due regard being specially paid in the first instance to the contribution of Members of the Organization to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution. Each Member of the Security Council shall have one representative.

2. In the first election of the non-permanent Members three shall be chosen by the General Assembly for a term of one year and three for a term of two years. Thereafter, the non-permanent Members shall be elected for a term of two years. A retiring Member shall not be eligible for immediate reelection.

Principal Functions and Powers

Article 23****

1. In order to insure prompt and effective action

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* See Drafting Paper 14, Article 19
** See Drafting Paper 14, Article 20
*** See Drafting Paper 14, Article 21
**** See Drafting Paper 12, Article 22

by the Organization, its Members hereby confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf. The Security Council shall submit annual, and when necessary, special reports to the General Assembly for its consideration.

2. In discharging these duties the Security Council shall act in accordance with the purposes and principles of the Organization.

3. For the purpose of discharging these duties the Security Council shall have the specific powers set out in Chapters VI, VII, and VIII.

### Article 24*

The Members of the Organization agree to accept and carry out, in accordance with the provisions of the Charter, the decisions of the Security Council.

### Article 25**

In order to promote the establishment and maintenance of international peace and security with the least diversion of the world's human and economic resources for armaments, the Security Council, with the assistance of the Military Staff Committee referred to in Article 49, shall be responsible for formulating and for submitting to the Members of the Organization plans for the establishment of a system for the regulation of armaments.

## Voting

Article 26. Each Member One Vote (DO. Ch. VI, Sec. C, par. 1)
Article 27. Voting on Procedural Matters (DO. Ch. VI, Sec. C, par. 2)
Article 28. Voting on all Other Matters (DO. Ch. VI, Sec. C, par. 3)

## Procedure

### Article 29***

1. The Security Council shall be organized so as to be able to function continuously, and each State Member

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* See Drafting Paper 35, Article 23
** See Drafting Paper 35, Article 24
*** See Drafting Paper 16, Article 28

of the Security Council shall be represented at all times at the headquarters of the Organization.

2. The Security Council shall hold periodic meetings at which each of its Members may, if it so desires, be represented by a member of the government or by some other specially designated representative. The Security Council may hold meetings at such places other than the headquarters of the Organization as in its judgment may best facilitate its work.

### Article 30*

The Security Council may set up such bodies or agencies as it deems necessary for the performance of its functions.

### Article 31**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 32. Participation of Interested Member (DO. Ch. VI, Sec. D, par. 4)
Article 33. Participation of Member or Non-Member Party to Dispute (DO. VI, Sec. D, par. 5)

## Chapter VI

## Pacific Settlement of Disputes

Article 34. Should Investigate Disputes (DO. Ch. VIII, Sec. A, par. 1)
Article 35. Any State May Refer Disputes (DO. Ch. VIII, Sec. A, par. 2)

### Article 36***

The Members of the Organization agree that, if they become parties to a dispute the continuance of which is likely to endanger the maintenance of international peace and security, they will first of all seek a solution by negotiation, mediation, conciliation, arbitration, or judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

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* See Drafting Paper 16, Article 29
** " " " 16, " 30
*** " " " 23, " 35

the Security Council shall call upon the parties to settle their dispute by such means.

Article 37. Reference of Disputes to S.C. (DO. Ch. VIII, Sec. A, par. 4)
Article 38. S.C.'s Power to Recommend Adjustments (DO. Ch. VIII, Sec. A, par. 5)
Article 39. Justiciable Disputes Referred to Court (DO. Ch. VIII, Sec. A, par. 6)
Article 40. Non-application to Domestic Matters (DO. Ch. VIII, Sec. A, par. 7)

## Chapter VII

## Determination of Threats to the Peace or Acts of Aggression and Action With Respect Thereto

### Article 41*

The Security Council shall determine whether there exists any threat to the peace, breach of the peace, or act of aggression and, in order to maintain or restore peace and security, shall make recommendations or shall decide what measures or action set forth in Articles 43 and 44 should be employed or taken.

### Article 42**

Before making recommendations or deciding upon measures for the maintenance or restoration of peace and security in accordance with the provisions of Article 41, the Security Council may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable in order to prevent an aggravation of the situation. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. Failure to comply with such provisional measures shall be duly taken account of by the Security Council.

Article 43. Non-Military Sanctions (DO. Ch. VIII, Sec. B, par. 3)
Article 44. Military Action (DO. Ch. VIII, Sec. B, par. 4)

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* See Briefing Paper [illegible], Article 4[illegible]
** " " " [illegible], " 41

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| Article 45. | Agreements on Armed Forces (DO. Ch. VIII, Sec. B, par. 5) |
| Article 46. | Air Forces Immediately Available (DO. Ch. VIII, Sec. B, par. 6) |
| Article 47. | Action by all Members or Some, as Determined by S. C. (DO. Ch. VIII, Sec. B, par. 7) |
| Article 48. | Plans Made by S. C. with Military Staff Committee (DO. Ch. VIII, Sec. B, par. 8) |
| Article 49. | The Military Staff Committee (DO. Ch. VIII, Sec. B, par. 9) |
| Article 50. | Mutual Assistance (DO. Ch. VIII, Sec. B, par. 10) |
| Article 51. | Consultation with S. C. on Economic Problems (DO. Ch. VIII, Sec. B, par. 11) |

### Article 52*

Nothing in this Charter impairs the inherent right of individual or collective self-defense if an armed attack occurs against a Member State, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.

## Chapter VIII

## Regional Arrangements

### Article 53**

1. Nothing in this Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Members of the Organization comprising such agencies or entering into such arrangements shall make every effort to achieve peaceful settlement of local disputes through such agencies or arrangements before referring

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* See Drafting Paper 24, New Section D

** See Drafting Paper 25, Article 51

them to the Security Council. The Security Council shall encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies, on the initiative either of the Members of the Organization concerned or of the Security Council itself.

2. This Article in no way impairs the application of Articles 34 and 35.

Article 54. Use of Regional Agencies (DO. Ch. VIII, Sec. C, par. 2)

Article 55*

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## Chapter IX

## The Economic and Social Council

Article 56. Purposes and Relationships (DO. Ch. IX, Sec. A)

Article 57**

1. The Economic and Social Council shall consist of eighteen Members of the Organization elected by the General Assembly. Each Member of the Economic and Social Council shall have one representative.

2. Subject to the provisions of paragraph 3, six Members of the Economic and Social Council shall be elected each year, for a term of three years. A retiring Member shall be eligible for reelection at any time.

3. At the first election, eighteen Members of the Economic and Social Council shall be chosen. The term of office of six Members shall expire at the end of one year, and of six other Members at the end of two years. Those Members the term of office of which shall expire at the end of one and two years respectively shall be chosen by lot to be drawn by the Secretary General of the

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* See Drafting Paper 25, Article 55

** See Drafting Paper 38, Article 55

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Organization immediately after the first election has been completed. Members shall be eligible for reelection at any time.

4. Each Member of the Economic and Social Council shall have one vote. Decisions shall be taken by a simple majority of those present and voting.

## Article 58*

The Economic and Social Council is authorized:

(a) to carry out, within the sphere of its responsibility, recommendations of the General Assembly;

(b) to make recommendations, on its own initiative, for promoting respect for, and observance of, human rights and fundamental freedoms;

(c) to initiate studies and make reports with respect to international political, economic, social, cultural, educational, health, and other related matters, and on its own initiative to make recommendations with respect to any such matter to the General Assembly, to the Members of the Organization, and to specialized organizations or agencies created by or brought into relationship with the Organization;

(d) to coordinate the policies of the political, economic, social, cultural, educational, health, and other specialized organizations or agencies through consultation with and recommendations to them, and through recommendations to the General Assembly and to the Members of the Organization;

(e) to obtain regular reports from the specialized organizations or agencies; to obtain reports from the Members of the Organization and from the specialized organizations or agencies on the steps taken to give effect to its own recommendations and to those of the General Assembly; and to communicate its observations on such reports to the General Assembly;

(f) to perform services with respect to political, economic, social, cultural, educational, health, and other related matters, at the request of Members of the Organization or at the request of the specialized organizations or agencies, subject always to the approval of the General Assembly;

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* See Drafting Paper 26, Article 5[illegible]

(g) to convene, in accordance with rules prescribed by the General Assembly, international conferences on matters within the sphere of its responsibility;

(h) to furnish information to the Security Council;

(i) to assist the Security Council upon its request; and

(j) to perform such other functions within the sphere of its responsibility as may be assigned to it by the General Assembly.

Article 59. Organization and Procedure (DC. Ch. IX, Sec. D)

## Chapter X

## The International Court of Justice

### Article 60*

The International Court of Justice shall be constituted and shall function in accordance with the annexed Statute which forms an integral part of this Charter.

### Article 61**

The Statute is based upon the Statute of the Permanent Court of International Justice.

### Article 62***

Nothing in this Charter shall prevent the parties from entrusting the solution of their differences to other tribunals by virtue of agreements which are already in force or which may be concluded in the future.

### Article 63****

All Members of the Organization are *ipso facto* parties to the Statute of the International Court of Justice.

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* See Drafting Paper 36, Article 58
** See Drafting Paper 36, Article 59
*** See Drafting Paper 36, Article 60
**** See Drafting Paper 36, Article 61

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### Article 64*

Conditions under which States not Members of the Organization may become parties to the Statute of the International Court of Justice shall be determined in each case by the General Assembly upon the recommendation of the Security Council.

## Chapter XI

## The Secretariat

Article 65. Secretariat and S-G (DO. Ch. X, par. 1)
Article 66. S-G's Action and Reports (DO. Ch. X, par. 2)
Article 67. Reference to S.C. by S-G on Matters Threatening Peace (DO. Ch. X, par. 3)

## Chapter XII

## Trusteeship Arrangements
(A possible new part)

Article 68. (and as many other articles as may be required

## Chapter XIII

## Ratification and Amendments

Article 69. Ratification (a possible new article)
Article 70. Amendments (DO. Ch. XI)

## Chapter XIV

## Miscellaneous Provisions

### Article 71**

Every treaty and every international agreement entered into by any Member of the Organization after this Charter

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*See Drafting Paper 36, Article 62
**See Drafting Paper 39, Article 67

comes into force shall as soon as possible be registered with the Secretariat and published by it.

### Article 72*

No party to any such treaty or international agreement which has not been registered in accordance with the provisions of Article 71 may invoke that treaty or agreement before any organ of the Organization.

Article 73. Abrogation of Inconsistent Obligations (a possible new article)
Article 74. Official Languages (a possible new article)

### Article 75**

1. (a) The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary to the fulfillment of its purposes.

(b) Representatives of the Members of the Organization and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary to the independent exercise of their functions in connection with the Organization.

2. The General Assembly may make recommendations with a view to determining the details of the application of the foregoing provisions or may propose conventions to the Members of the Organization for this purpose.

## Chapter XV

## Transitional Arrangements

Article 76. Four Powers to Consult to Maintain Peace Until Organization Created (DO. Ch. XII, par. 1)
Article 77. Action Against Enemy States in Present War Not Precluded (DO. Ch. XII, par. 2)

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* See Drafting Paper 39, Article 68
** See Drafting Paper 12

[illegible]

*The United Nations Conference*
*on International Organization*

RESTRICTED
WD 64 (ENGLISH)
CO/30
May 31, 1945

# COORDINATION COMMITTEE

## CORRECTION TO THE FIRST DRAFT OF THE SKELETON CHARTER

On May 24 Committee III/4 adopted the text which has been included in the Skeleton Charter as Article 52. Committee III/4 entitled this text "New Section D" and recommended that it be inserted in the Dumbarton Oaks arrangement as a new section, headed D, at the end of Chapter VIII where it would follow Section C on "Regional Arrangements". The Delegate of U.S.S.R. on Committee III/4, however, recorded his belief that it should be inserted (in the DO arrangement) at the end of Chapter VIII, Section B, which deals with "Determination of Threats to Peace, etc."

At the sixth meeting of the Coordination Committee held on May 28, when this paragraph was first discussed, certain members expressed themselves in favor of inserting this text at the end of Dumbarton Oaks Chapter VIII, Section B. For this reason the text was included in the first draft of the Skeleton Charter (CO/20) as Article 52 which corresponds to the location just mentioned in the Dumbarton Oaks arrangement. However, in view of the fact that Committee III/4 recommended a different location, and as the Coordination Committee did not take a definite decision that the text should be inserted in the position of Article 52, the Secretariat requests the members of the Coordination Committee to consider the text in question as being located not as Article 52 but as a separate chapter following Chapter VIII on Regional Arrangements in the Skeleton Charter.

At its meeting held on May 31 the Advisory Committee of Jurists, to which this question was referred by the Coordination Committee, recommended unanimously to the Coordination Committee that the text in question be inserted at the end of Chapter VII in the Skeleton Charter where it is now shown as Article 52.

The Coordination Committee may wish to consider this matter further at a coming meeting.

# SKELETON CHARTER, SECOND DRAFT

(2 DOCUMENTS)

*The United Nations Conference*
*on International Organization*

**RESTRICTED**
WD 169 (ENGLISH)
CO/78
June 4, 1945

# COORDINATION COMMITTEE

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## SKELETON CHARTER - SECOND DRAFT

There is submitted herewith by the Secretariat the second draft of the Charter in skeleton form.

The arrangement of this skeleton has been provisionally approved by both the Coordination Committee and the Advisory Committee of Jurists.

In this Charter there are inserted 51 articles, in various stages of development. These stages, and the articles at present in each, are as follows:

1. Texts which have been approved, at first reading, by the Coordination Committee and which have also been revised by the Advisory Committee of Jurists: Articles 10, 16, 23, 24, 31, 55, 78.

2. Texts which have been approved, at first reading, by the Coordination Committee: Articles 5, 7, 13, 20, 21, 25, 32, 33, 54, 57.

3. Texts which have received some consideration by the Coordination Committee but which have as yet received no approval: Articles 3, 4, 6, 8, 9, 26, 62, 64, 65, 66, 67, 68.

4. Texts which have been submitted to the Coordination Committee, tentatively revised by the Secretariat in draft Charter form, but which have not yet been discussed by the Coordination Committee: Articles 12, 14, 15, 18, 19, 22, 38, 43, 44, 61, 74, 75.

5. Texts which have been approved by Technical Committees but which have not yet come before the

Coordination Committee: Articles 11, 17, 27, 37, 58, 59, 60, 63, 70, 72.

This second draft of the Skeleton Charter comprises all of the articles included in the Book, as issued Monday morning, June 4, in the latest form given in the Book for each.

# SKELETON CHARTER - SECOND DRAFT

Preamble (A paragraph establishing the Organization
and giving it its name may be inserted
here, either as a final paragraph or as
a new Article 1)

## Chapter I

## Purposes and Principles

Article 1. Purposes (DO. Ch. I)
Article 2. Principles (DO. Ch. II)

## Chapter II

## Membership

### Article 3*

The original members of the Organization shall be the signatories of the Charter whose ratification has become effective in accordance with Article ____.

### Article 4*

Membership of the Organization is open to all peace-loving States which, in the judgment of the Organization, are able and ready to accept and carry out the obligations contained in the Charter.

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* See Drafting Paper 27

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### Article 5*

States may be admitted to membership in the Organization by the General Assembly upon the recommendation of the Security Council.

### Article 6*

A member of the Organization against which preventive or enforcement action has been taken by the Security Council, or which has gravely or persistently violated the principles of the Organization, may be suspended from the exercise of the rights and privileges of membership by the General Assembly on recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

## Chapter III

## Organs

### Article 7**

There are established as the principal organs of the (name to be inserted): A General Assembly, a Security Council, an Economic and Social Council, an International Court of Justice, and a Secretariat.

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* See Drafting Paper 27
** " " " 28

### Article 8*

The (name to be inserted) may establish such subsidiary agencies as are found necessary.

### Article 9*

The (name to be inserted) shall place no restrictions on the equal eligibility of men and women to serve in any of its organs and agencies.

## Chapter IV

## The General Assembly

### Composition

### Article 10**

The General Assembly shall consist of all of the members of the Organization. Each member shall have no more than five representatives in the General Assembly.

### Functions and Powers

### Article 11

1. The General Assembly should have the right to discuss any matter within the sphere of international relations; and, subject to the exception

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* See Drafting Paper 28
** " " " 29, Article 9

embodied in paragraph 2(b) of this section, to make recommendations to the members of the Organization or to the Security Council or both on any such matters.

2. In particular, and without limiting the generality of the preceding paragraph, the General Assembly should have the right:

(a) to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations to the governments or to the Security Council on such principles; and

(b) to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council, and to make recommendations to the governments or to the Security Council or both with regard to any such questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should have the right to call the attention of the Security Council to situations which are likely to endanger international peace or security. While the Security Council is exercising

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in respect of any dispute or situation the functions assigned to it under this Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requests. The Secretary General shall be required, with the consent of the Security Council, to notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council and also to notify the General Assembly immediately the Security Council ceases to deal with such matters.

## Article 12*

The General Assembly shall elect the non-permanent members of the Security Council and the members of the Economic and Social Council. It shall elect the Secretary General of the Organization upon the recommendation of the Security Council, made by an affirmative vote of seven members. The General Assembly shall participate in the election of the Judges of the International Court of Justice in accordance with the provisions of the Statute of the Court.

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* See Drafting Paper 31

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## Article 13*

The expenses of the Organization shall be borne by the members as apportioned by the General Assembly. The General Assembly shall consider and approve the budget of the Organization and any financial and budgetary arrangements with specialized agencies brought into relationship with the Organization under the provisions of Article ____.

## Article 14**

The General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation: (a) in political, economic, social, cultural, educational, and health fields; (b) in assisting the realization of human rights and basic freedoms for all, without distinction as to race, sex, language, or religion; and (c) in the development of international law.

## Article 15**

Subject to the provisions of Article ____, the General Assembly may recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the principles of the Organization.

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* See Drafting Paper 41
** " " " 32

## Article 16*

1. The General Assembly shall make recommendations for coordinating the policies of international economic, social, cultural, educational, health, and other specialized agencies brought into relationship with the Organization in accordance with agreements made between it and such agencies.

2. The General Assembly shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

## Article 17

The General Assembly should recive and consider annual and special reports from the Security Council; such reports should include an account of the measures which the Security Council has adopted or applied to maintain international peace and security.

Subject to the provisions of paragraph 1 of this section, the General Assembly should be empowered:

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* See Drafting Paper 21, Article 15.

(a) to approve or disapprove in whole or in part any report from the Security Council and to make any recommendations or observations thereon;

(b) to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security.

The General Assembly should receive and consider reports from the other bodies of the Organization and may make any recommendations or observations thereon.

## Voting

### Article 18*

Each member of the Organization shall have one vote in the General Assembly. A member which is in arrears in the payment of its financial contributions to the Organization shall have no vote so long as the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may restore the privilege of voting if it is satisfied that the failure to pay is due to conditions beyond the control of the member in question.

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* See Drafting Paper 42, Article 17

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## Article 19*

Decisions of the General Assembly on important questions - including recommendations with respect to the maintenance of international peace and security, the election of members of the Security Council, the election of members of the Economic and Social Council, the admission of new members to the Organization, the suspension of the rights and privileges of members, and budgetary questions - shall be made by a two-thirds majority of those present and voting. Decisions on other questions - including the determination of additional categories of questions to be decided by a two-thirds majority - shall be made by an absolute majority of those present and voting.

Procedure

## Article 20**

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary General at the request of the Security Council or of a majority of the members of the Organization.

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* See Drafting Paper 42, Article 18
** " " " 34, Article 12

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### Article 21*

The General Assembly shall adopt its own rules of procedure, and shall elect its President for each session.

### Article 22**

The General Assembly may create such bodies and agencies as it deems necessary for the performance of its functions.

## Chapter V

## The Security Council

### Composition

### Article 23***

1. The Security Council shall consist of eleven members of the Organization. The United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and France shall be permanent members of the Security Council. The General Assembly shall elect six other members of the Organization to be non-permanent members of the Security Council, due regard being

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* See Drafting Paper 34, Article 19
** " " " 34, Article 20
*** " " " 14, Article 21

3365

specially paid in the first instance to the contribution of members of the Organization to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. In the first election of the non-permanent members three shall be chosen by the General Assembly for a term of one year and three for a term of two years. Thereafter, the non-permanent members shall be elected for a term of two years. A retiring member shall not be eligible for immediate reelection.

3. Each member of the Security Council shall have one representative.

Principal Functions and Powers

### Article 24*

1. In order to ensure prompt and effective action by the Organization, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in discharging this responsibility the Security Council acts on their behalf.

2. In discharging this responsibility the Security Council shall act in accordance with the

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* See Drafting Paper 22, Article 22

purposes and principles of the Organization.

3. For the discharge of this responsibility the Security Council shall have the specific powers set out in Chapters VI, VII, and VIII, and elsewhere in this Charter.

4. The Security Council shall submit annual, and when necessary, special reports to the General Assembly for its consideration.

### Article 25*

The members of the Organization agree to accept and carry out the decisions of the Security Council in accordance with the provisions of the Charter.

### Article 26**

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council, with the assistance of the Military Staff Committee, shall be responsible for formulating plans for the establishment of a system for the regulation of armaments to be submitted to the members of the Organization.

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* See Drafting Paper 35, Article 23
** " " " 35, Article 24

## Article 27

The Security Council shall participate in the election of the Judges of the International Court of Justice in accordance with the Statute of the Court.

## Voting

Article 28. Single Vote (DO. Ch. VI, Sec. C, par. 1)
Article 29. Voting on Procedural Matters (DO. Ch. VI, Sec. C, par. 2)
Article 30. Voting on all Other Matters (DO. Ch. VI, Sec. C, par. 3)

## Procedure

## Article 31*

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the headquarters of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the headquarters of the Organization as in its judgment may best facilitate its work.

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* See Drafting Paper 15, Article 28

### Article 32*

The Security Council may set up such bodies or agencies as it deems necessary for the performance of its functions.

### Article 33**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 34. Participation of Interested Member (DO. Ch. VI, Sec. D, par. 4)

Article 35. Participation of Member or Non-Member Party to Dispute (DO. Ch. VI, Sec. D, par. 5)

## Chapter VI

## Pacific Settlement of Disputes

Article 36. Investigation of Disputes (DO. Ch. VIII, Sec. A, par. 1)

### Article 37

Any state, whether member of the Organization or not, may bring any such dispute or situation to the attention of the General Assembly or of the Security Council. In the case of a non-member, it should be required to accept, for the purposes of such dispute, the obligations of pacific settlement provided in the Charter.

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* See Drafting Paper 16, Article 29
** " " " 16, Article 30

### Article 38*

The members of the Organization agree that, if they become parties to a dispute the continuance of which is likely to endanger the maintenance of international peace and security, they will first of all seek a solution by negotiation, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The Security Council may call upon the parties to settle their dispute by such means.

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| Article 39. | Obligation to Refer Disputes (DO. Ch. VIII, Sec. A, par. 4) |
| Article 40. | Recommendation of Adjustments (DO. Ch. VIII, Sec. A, par. 5) |
| Article 41. | Justiciable Disputes (DO. Ch. VIII, Sec. A, par. 6) |
| Article 42. | Domestic Jurisdiction (DO. Ch. VIII, Sec. A, par. 7) |

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* See Drafting Paper 23, Article 35

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## Chapter VII

## Determination of Threats to the Peace or Acts of Aggression and Action With Respect Thereto

### Article 43*

1. The Security Council shall have power to determine whether there exists any threat to the peace, breach of the peace, or act of aggression.

2. When the Security Council determines that a threat to the peace, breach of the peace, or act of aggression exists, it shall, in order to maintain or restore peace, make recommendations or decide upon the measures or action to be taken in accordance with the provisions of Articles ___ and ___.

### Article 44**

before making recommendations or deciding upon measures for the maintenance or restoration of peace and security in accordance with the provisions of Article ___, the Security Council may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable in order to prevent an aggravation of the situation. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. Failure to comply with such provisional measures shall be duly taken into account by the Security Council.

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* See Drafting Paper 44, Article 41
** " " " 44 " 42

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Article 45. Non-Military Sanctions (DO. Ch. VIII, Sec. B, par. 3)
Article 46. Military Action (DO. Ch. VIII, Sec. B, par. 4)
Article 47. Agreements on Armed Forces (DO. Ch. VIII, Sec. B, par. 5)
Article 48. Availability of Air Forces (DO. Ch. VIII, Sec. B, par. 6)
Article 49. Determination of Action by Members (DO. Ch. VIII, Sec. B, par. 7)
Article 50. Plans with Military Staff Committee (DO. Ch. VIII, Sec. B, par. 8)
Article 51. Military Staff Committee (DO. Ch. VIII, Sec. B, par. 9)
Article 52. Mutual Assistance (DO. Ch. VIII, Sec. B, par. 10)
Article 53. Consultation on Economic Problems (DO. Ch. VIII, Sec. B, par. 11)

## Article 54*

Nothing in this Charter impairs the inherent right of individual or collective self-defense if an armed attack occurs against a member state, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.

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* See Drafting Paper 24, New Section D

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(Note: Committee III/4 recommended that this article be placed as a separate section following "Regional Arrangements"; the Advisory Committee of Jurists recommended that it be placed as shown above; a decision on this matter has not yet been taken by the Coordination Committee.)

## Chapter VIII

## Regional Arrangements

### Article 55*

1. Nothing in this Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The members of the Organization entering into such arrangements or constituting such agencies shall make every effort to achieve peaceful settlement of local disputes through such arrangements or agencies before referring them to the Security Council. The Security Council shall

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* See Drafting Paper 25, Article 51

encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies, on the initiative either of the members of the Organization concerned or of the Security Council itself.

2. This Article in no way impairs the application of Articles __ and ___.

Article 56. Use of Regional Agencies (DO. Ch. VIII, Sec. C, par. 2)

### Article 57*

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## Chapter IX

## The Economic and Social Council

### Article 58

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for

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* See Drafting Paper 25, Article 53

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the principle of equal rights and self-determination of peoples, the Organization shall promote

(a) higher standards of living, full employment, and conditions of economic and social progress and development;

(b) solutions of international economic, social, health, and other related problems; international cultural and educational cooperation; and

(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, language, religion or sex.

Responsibility for the discharge of this function shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council.

### Article 59

All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of these purposes.

### Article 60

The various specialized intergovernmental organizations and agencies having wide international responsibilities in economic, social, and other related fields, as defined in their basic instruments, shall be brought into relationship with the Organization on terms to be determined by agreement between the Economic and Social Council and the appropriate authorities of the specialized organizations or agencies, subject to approval by the General Assembly.

## Article 61*

1. The Economic and Social Council shall consist of eighteen members of the Organization elected by the General Assembly. Each member of the Economic and Social Council shall have one representative.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year, for a term of three years. A retiring member shall be eligible for reelection at any time.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members shall expire at the end of one year, and of six other members at the end of two years. Those members the term of office of which shall expire at the end of one and two years respectively shall be chosen by lot to be drawn by the Secretary General of the Organization immediately after the first election has been completed. Members shall be eligible for reelection at any time.

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* See Drafting Paper 38, Article 55

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4. Each member of the Economic and Social Council shall have one vote. Decisions shall be taken by a simple majority of those present and voting.

## Article 62*

The Economic and Social Council is authorized:

(a) to carry out, within the sphere of its responsibility and activity as defined in Article 58, recommendations of the General Assembly;

(b) to make recommendations, on its own initiative, for promoting respect for human rights and freedoms and for their protection, preservation, and defense.

(c) to make or to initiate studies and reports with respect to international economic, social, cultural, educational, health, and other related matters, and on its own initiative to make recommendations with respect to any such matter to the General Assembly, to the members of the Organization, and to specialized organizations or agencies created by or brought into relationship with the Organization;

(d) to coordinate the activities of the economic, social, cultural, educational, health, and other specialized organizations or agencies through consultation with and recommendations to them, and through recommendations to the General Assembly and to the members of the Organization;

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* See Drafting Paper 26, Article 56

(e) to obtain regular reports from the specialized organizations or agencies; to obtain reports from the members of the Organization and from the specialized organizations or agencies on the steps taken to give effect to its own recommendations and to those of the General Assembly; and to communicate its observations on such reports to the General Assembly;

(f) to perform services with respect to economic, social, cultural, educational, health, and other related matters, at the request of members of the Organization or at the request of the specialized organizations or agencies, subject always to the approval of the General Assembly;

(g) to convene, in accordance with rules prescribed by the General Assembly, international conferences on matters within the scope of its functions as defined in this Article;

(h) to furnish information to the Security Council;

(i) to assist the Security Council upon its request; and

(j) to perform such other functions as may be assigned to it by the General Assembly.

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### Article 63

1. The Economic and Social Council shall set up commissions in the fields of economic and social activities and for the promotion of human rights and such other commissions as may be required in fields within the competence of the Council. There shall be a permanent staff which shall constitute a part of the Secretariat of the Organization.

2. The Economic and Social Council may make arrangements for representatives of the specialized organizations or agencies brought into relationship with the Organization to participate without vote in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of such specialized organizations and agencies.

## Chapter X

## The International Court of Justice

### Article 64*

The International Court of Justice shall be constituted and shall function as the principal judicial organ of the Organization in accordance with the annexed Statute which forms an integral part of this Charter.

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* See Drafting Paper 36, Article 58

### Article 65*

The Statute is based upon the Statute of the Permanent Court of International Justice.

### Article 66*

Nothing in this Charter shall prevent the parties from entrusting the solution of their differences to other tribunals by virtue of agreements which are already in force or which may be concluded in the future.

### Article 67*

All members of the Organization are ipso facto parties to the Statute of the International Court of Justice.

### Article 68*

Conditions under which States not members of the Organization may become parties to the Statute of the International Court of Justice shall be determined in each case by the General Assembly upon the recommendation of the Security Council.

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* See Drafting Paper 36, Articles 59, 60, 61, and 62

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## Chapter XI

## The Secretariat

Article 69. Secretariat and S-G (DO. Ch. X, par. 1)

### Article 70

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council and of the Trusteeship Council, and shall perform such other functions as are or may be entrusted to him by the Organization. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 71. Reference to S.C. by S-G of Matters Threatening Peace (DO. Ch. X, par. 3)

### Article 72

In the performance of their duties the Secretary-General and the staff shall be responsible only to the Organization. They shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each member undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

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## Chapter XII

## Trusteeship Arrangements
(A possible new part)

Article 73. (and as many other articles as may be required)

## Chapter XIII

## Miscellaneous Provisions

### Article 74*

Every treaty and every international agreement entered into by any member of the Organization after this Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

### Article 75*

No party to any such treaty or international agreement which has not been registered in accordance with the provisions of Article 74 may invoke that treaty or agreement before any organ of the Organization.

Article 76. Abrogation of Inconsistent Obligations.
(a possible new article)
Article 77. Official Languages (a possible new article)

### Article 78**

1. The Organization shall enjoy in the territory of each of its members such privileges and immunities as

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* See Drafting Paper 39, Articles 67 and 68
** See Drafting Paper 12

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are necessary to the fulfillment of its purposes.

2. Representatives of the members of the Organization and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary to the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the members of the Organization for this purpose.

## Chapter XIV

## Transitional Arrangements

| | |
|---|---|
| Article 79. | Four Powers to Consult to Maintain Peace Until Organization Created (DO. Ch. XII. par.1) |
| Article 80. | Action Against Enemy States in Present War Not Precluded (DO. Ch. XII, par. 2) |

## Chapter XV

## Amendments and Ratification

| | |
|---|---|
| Article 81. | Amendments (DO. Ch. XI) |
| Article 82. | Ratification (a possible new article) |

*The United Nations Conference*
*on International Organization*

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# COORDINATION COMMITTEE

REPLACEMENT FOR PAGES 19-21 OF SKELETON CHARTER - SECOND DRAFT

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| Article 45. | Non-Military Sanctions (DO. Ch. VIII, Sec. B, par. 3) |
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## Chapter VIII

## Regional Arrangements

### Article 54*

1. Nothing in this Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided

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* See Drafting Paper 25, Article 51

that such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The members of the Organization entering into such arrangements or constituting such agencies shall make every effort to achieve peaceful settlement of local disputes through such arrangements or agencies before referring them to the Security Council. The Security Council shall encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies, on the initiative either of the members of the Organization concerned or of the Security Council.

2. This Article in no way impairs the application of Articles ____ and ____.

Article 55. Use of Regional Agencies (DO. Ch. VIII, Sec. C, par. 2)

Article 56*

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## Chapter VIII A

Article 57**

Nothing in this Charter impairs the inherent right of individual or collective self-defense if an armed attack occurs against a member state, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.

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* See Drafting Paper 25, Article 53

**See Drafting Paper 24, New Section D

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(Note: Committee III/4 recommended that this article be placed as a separate section following "Regional Arrangements"; the Advisory Committee of Jurists recommended that it be placed at the end of Chapter VII; a decision on this matter has not yet been taken by the Coordination Committee.)

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## The Economic and Social Council

### Article 58

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for